United States Department of State

Washington, D.C. 20520

May 17, 2019

Case No.: F-2018-04761
Segment: IO-0001

Daniel A. McGrath
1030 15th Street NW,
B255
Washington, DC 20005

Dear Mr. McGrath:

I refer to our request dated April 17, 2019, seeking the release of certain Department of State material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. Following review of over 300 potentially responsive pages, the Department has identified 85 documents responsive to your request and determined that 11 may be released in full, 29 may be released with excisions, and 45 must be withheld in full pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552 (b)(5) and (b)(6). All released material is enclosed.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released.

The processing of your request is ongoing. If you have any questions, you may contact Assistant United States Attorney Scott Sroka at 202-252-7113. Please refer to the case number, F-2018-04761, and the civil action number, 18-cv-2565, in all correspondence about this case.

Sincerely,

Susan Weetman
Chief, Program and Policy Division
Office of Information and Programs Services

Enclosure: As stated

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The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

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United Nations E/CN.9/2018/4

Economic and Social Council

Distr.: General
2 February 2018

Original: English

RELEASE IN FULL

Commission on Population and Development
Fifty-first session
9–13 April 2018
Item 3 (a) of the provisional agenda*
General debate: actions for the further implementation of the Programme of Action of the International Conference on Population and Development at the global, regional and national levels

Flow of financial resources for assisting in the further implementation of the Programme of Action of the International Conference on Population and Development

Report of the Secretary-General**

Summary

The present report has been prepared in accordance with General Assembly resolution 49/128, in which the Assembly requested the Secretary-General to prepare periodic reports on the flow of financial resources for assisting in the implementation of the Programme of Action of the International Conference on Population and Development and to promote the exchange of information on the requirements for international assistance among the members of the donor community.

The present report builds on two preceding reports of the Secretary-General on this issue. Reports of the Secretary-General prepared for the forty-ninth session of the Commission on Population and Development, in 2016 (E/CN.9/2016/5), and for the fiftieth session, in 2017 (E/CN.9/2017/4), raised concerns regarding the reliability of past estimates of resource flows. Against this background and in response to Economic and Social Council decision 2017/259, which built on a decision by the Commission at its fiftieth session (see E/2017/25-E/CN.9/2017/6, chap. I.A), the present report contains options for estimating resource flows going forward. As requested in Economic and Social Council decision 2017/259, the report provides information on a potential revision of the methods, categories and data sources used as the basis for this

* E/CN.9/2018/1.

** The present report was submitted after the deadline in order to include the most recent information.

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report and offers technical recommendations on the future scope, format and periodicity of the report.

Keeping in mind the value of tracking resource flows, as well as the associated challenges, the Secretary-General is putting forward recommendations for Member States to consider. The first recommendation is to expand the scope of tracking beyond reproductive health and family planning to include a broader array of investments relevant to the Programme of Action. The second recommendation is to restrict the annual tracking of resource flows to data provided by the Development Assistance Committee of the Organization for Economic Cooperation and Development and to forego the more methodologically challenging task of tracking flows from other sources, including from domestic resources, until the relevant data systems improve significantly. The Secretary-General also discusses means to strengthen data derived from systems of national accounts.

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I. Introduction

1. The present report builds on the two prior reports of the Secretary-General on this issue. The report of the Secretary-General prepared for discussion at the forty-ninth session of the Commission on Population and Development, in 2016 (E/CN.9/2016/5), as well as the report prepared for the fiftieth session, in 2017 (E/CN.9/2017/4), raised the following concerns regarding the reliability of past estimates of resource flows:

(a) **Limited scope of the exercise.** At prior sessions, the Commission on Population and Development underscored the discontent with the limited focus of the resource flows exercise on the four costed components of the Programme of Action of the International Conference on Population and Development: family planning services; basic reproductive health services; sexually transmitted diseases/HIV/AIDS prevention; and basic research, data and population and development policy analysis. Given the historical context, in which a major outcome of the Programme of Action was to define reproductive health as a new constellation of care services, these four costed components had particular interest when the exercise was initiated, as they represented new, distinct areas of investment. However, the mandate provided by the General Assembly in its resolution 49/128 is to track resources for the implementation of the Programme of Action, which includes a much broader array of investments, and discussions at the forty-ninth and fiftieth sessions of the Commission on Population and Development focused on fulfilling this broader mandate;

(b) **Lack of distinction among three of the costed components.**[1] Accurately distinguishing between the three costed components that relate to sexual and reproductive health, notably family planning services, basic reproductive health services and sexually transmitted diseases/HIV/AIDS prevention, has become progressively more difficult, given efforts to integrate reproductive health care within countries and a corresponding integration of reproductive health investments. A case in point is contraception, which may be classified under any of the three categories. Some donors have stopped reporting expenditures under the funding code for family planning, or have never reported under this funding code, despite investments that other donors would readily classify as family planning. Disaggregation across the three distinct reproductive health investments is not feasible, given the potential for misclassification and overlap, while there are reasonably good data for reproductive health overall;

(c) **Weakness of national data systems.** Many countries have relatively weak national data systems, and thus record only broad categories of public and private consumption expenditures. In addition, efforts to report on domestic financial flows for the four costed components of the Programme of Action have been inconsistent and provided information that was not comparable among countries. While data are available for central government consumption expenditures on health in general, they are typically not provided for the subcategory of sexual and reproductive health. Tracking of private consumption expenditures by household (including out-of-pocket expenditures) and by company (including health insurance companies) is even

[1] The fourth costed component, for basic research, data and population and development policy, is typically based on funding code 13010 of the creditor reporting system of the Organization for Economic Cooperation and Development (OECD). The code records resource allocations for population and development policies, census work and vital registration, migration data, and demographic research and analysis, but the same code also records allocations for reproductive health research and unspecified population activities.

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weaker, and estimates of private consumption expenditures have been criticized as being particularly difficult to produce and frequently inconsistent;

(d) **Inability to clearly distinguish between different external and domestic resource flows.** It is often not possible to clearly identify the ultimate recipient of development assistance. There is therefore a risk of double counting of resource allocations. For example, resources that a donor Government disburses for reproductive health to a recipient Government may be counted at least twice: once as development assistance, a second time as public consumption expenditure, and potentially a third time when resources are provided to a non-governmental organization (NGO) that buys condoms for community distribution.

2. Against the backdrop of the previous two reports of the Secretary-General outlining these weaknesses, the Economic and Social Council, in its decision 2017/259, which built on a decision of the fiftieth session of the Commission on Population and Development (see E/2017/25-E/CN.9/2017/6, chap. I.A), decided to request the United Nations Population Fund, in consultation with the Secretariat, to provide, in the context of the report on the flow of financial resources to be submitted to the Commission at its fifty-first session, in 2018, information on a potential revision of the methods, categories and data sources used as the basis for preparing the report, with technical recommendations on, inter alia, the future scope, format and periodicity of the report. The Council also decided that the Commission should review the technical recommendations at its fifty-first session. The present report responds to that request.

3. The challenges outlined in previous reports remain fundamentally the same. However, in recognition of the desire to track resource allocations as accurately possible, the following recommendations are elaborated in the present report: to go beyond the four costed components and include other investments relevant to the Programme of Action; to combine overlapping subcategories of sexual and reproductive health investments; and to focus on official development assistance only, as provided by donors of the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD), and cease efforts to report on domestic resource flows for the Programme of Action. Finally, in order to improve domestic data on resource flows in the future, the present report provides recommendations for systems strengthening.

4. In section II of the present report, the scope of the former and proposed tracking exercises is reviewed, and trend data is provided on related resource flows; in section III, suggestions are made for tracking resources from Development Assistance Committee donors for an expanded selection of investments relevant to the Programme of Action; section IV contains a discussion of national accounts and tracking resources at the national level; and in section V, the main recommendations are summarized. Annex I provides the proposed expanded list of OECD aid database categories for tracking expenditures for the implementation of the Programme of Action. Annexes II and III show the categories for resource tracking that are used in the national health accounts of Afghanistan and Uganda.

II. Scope of resource tracking

5. In response to the Commission's 2017 request for technical recommendations on the scope of the report on the flow of resources (see E/2017/25-E/CN.9/2017/6, chap. I.A), three recommendations are proposed: (a) expanding beyond the four costed components of the Programme of Action; (b) collapsing the three costed

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components related to sexual and reproductive health into a single category; and (c) tracking official development assistance (ODA) by Development Assistance Committee donors only.

Expanding the tracking of financial flows beyond the four costed components

6. Four components were identified in the Programme of Action for which resource flows were to be tracked, referred to as the costed components (see box 1).

Box 1[a]

Resource flows for the implementation of the Programme of Action

In chapter XIII, section C, of the Programme of Action, a review of resource allocations for basic national programmes for population and reproductive health was proposed. The costed package proposed was to include the following components:

(a) In the family-planning services component — contraceptive commodities and service delivery; capacity-building for information, education and communication regarding family planning and population and development issues; national capacity-building through support for training; infrastructure development and upgrading of facilities; policy development and programme evaluation; management information systems; basic service statistics; and focused efforts to ensure good quality care;

(b) In the basic reproductive health services component — information and routine services for prenatal, normal and safe delivery and post-natal care; abortion;[b] information, education and communication about reproductive health, including sexually transmitted diseases, human sexuality and responsible parenthood, and against harmful practices; adequate counselling; diagnosis and treatment for sexually transmitted diseases and other reproductive tract infections, as feasible; prevention of infertility and appropriate treatment, where feasible; and referrals, education and counselling services for sexually transmitted diseases, including HIV/AIDS, and for pregnancy and delivery complications;

(c) In the sexually transmitted diseases/HIV/AIDS prevention programme component — mass media and in-school education programmes, promotion of voluntary abstinence and responsible sexual behaviour and expanded distribution of condoms;

(d) In the basic research, data and population and development policy analysis component — national capacity-building through support for demographic as well as programme-related data collection and analysis, research, policy development and training.

The Programme of Action spells out a number of related issues that demand separate and additional resources,[c] including resources for social and economic matters; strengthening the health sector more broadly; providing universal basic education and eliminating disparities; improving the status and empowerment of women; generating employment; and addressing environmental concerns and poverty eradication.

[a] This box is based on box 1 in document E/CN.9/2017/4.

[b] As specified in the *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), para. 8.25.

[c] Ibid., paras. 13.17–13.19.

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7. The mandate contained in resolution 49/128 is to track resources for the implementation of the Programme of Action, the scope of which includes efforts to promote the dignity and human rights of all persons; reduce poverty; assure stronger health systems; achieve universal access to sexual and reproductive health and rights; promote gender equality and the empowerment of women and girls; promote sustainable cities and balanced rural and urban development; promote the rights and opportunities of young people and older persons in education and decent work; redress inequality and discrimination; protect the human rights of migrants, refugees and displaced persons; promote sustainable development and address the risks of climate change, among other domains.

8. Accordingly, in addition to tracking resources for the costed components, it is proposed that future reports track investments relevant to the implementation of the Programme of Action for which reporting categories are available in the Development Assistance Committee database, including: education, health, water and sanitation, government and civil society (including funding codes for human rights, gender equality and ending violence against women), other social infrastructure and services (including funding codes for social welfare services and statistical capacity development), communication, energy generation and supply, multisectoral and crosscutting (including funding codes for urban development, rural development, multisectoral education, and research and development), as well as humanitarian reconstruction and rehabilitation, and disaster prevention and preparedness.

9. The strengthening of health care and education depends critically on adequate infrastructure, including for water and sanitation and for energy and communications; sustainable development depends critically on energy availability and environmental protection; the ambition of reducing inequalities and leaving no one behind demands gender equality and social protection systems; efforts to strengthen population data systems are often inseparable from investments in building statistical capacity more generally or in basic research; and the promotion of good governance and accountability depends on data, as well as human rights. Furthermore, with respect to humanitarian response and disaster prevention and preparedness, it is important to take into account the specific needs of populations, including women and young people, in the midst of crisis, and to use demographic intelligence to guide preparedness and aid efforts. In annex I, a list of ODA categories relevant to the implementation of the Programme of Action is provided and recent changes in the flow of resources under those categories is tracked.

Collapsing the three costed components related to sexual and reproductive health into a single category

10. It is recommended that the first three components of the costed package be collapsed into a category entitled “sexual and reproductive health”, to be tracked alongside the fourth component entitled “population data and policy analysis”, which was previously referred to as “basic research” (see box 2). The display of a single estimate for the combined sexual and reproductive health components will prevent the risk of overlap and misclassification between them.

11. Resource allocations by members of the Development Assistance Committee to population and reproductive health are recorded in the OECD creditor reporting system under the chapter, entitled “Population policies/programmes and reproductive health”, which includes funding codes for population policy and administrative management (13010), reproductive health care (13020), family planning (13030), sexually transmitted disease control, including HIV/AIDS (13040) and personnel

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development for population and reproductive health (13081). In addition, however, some resource allocations for HIV/AIDS are recorded under the chapter entitled "Other social infrastructure and services", notably the funding code for social mitigation of HIV/AIDS (16064).

12. Past practice was to show resource flows for each of these funding codes separately. However, the increasing integration of investments in sexual and reproductive health care services and the potential for misclassification among the different funding codes within that broad category, have raised concerns about the reliability of the implied distinctions between those funding codes.[2] It is therefore recommended that the five funding codes be collapsed into a new category of sexual and reproductive health. The differences between the proposed and former funding categories for estimates of resource allocations to sexual and reproductive health are provided in box 2.

Box 2

Differences between the proposed and former funding categories for estimates of resource allocations to sexual and reproductive health

While formerly the estimates distinguished between investments for reproductive health, family planning, sexually transmitted diseases and personnel, the proposed indicator would combine these investment areas (represented by 5 funding codes in the OECD creditor reporting system, 4 in chapter 130 and 1 in chapter 160) into a single category for sexual and reproductive health. Because resources for sexual and reproductive health may be partially recorded under other chapters and funding codes, prior approaches included contacting donors to inquire about a potential sexual and reproductive health component that might have been embedded within other funding codes, and on the basis of those direct communications, to estimate the share of sexual and reproductive health resources embedded in other funding categories (see the column entitled "share" in the table below).

Past allocation of official development assistance to the costed components of the Programme of Action, based on the Organization for Economic Cooperation and Development creditor reporting system

Funding code	*Label*	*Share attributed to the costed components of the Programme of Action (Percentage)*	*Costed components of the Programme of Action*
Dedicated chapter			
130.	**Population policies/programmes and reproductive health**		
13010	Population policy and administrative management	100	Basic research
13020	Reproductive health care	100	Reproductive health
13030	Family planning	100	Family planning
13040	Sexually transmitted diseases control, including HIV/AIDS	100	Sexually transmitted diseases, HIV/AIDS

[2] Concerns over the risk of misclassification between subcategories of sexual and reproductive health were elaborated in the reports of the Secretary-General prepared for the forty-ninth session of the Commission on Population and Development, in 2016 (E/CN.9/2016/5), and for the fiftieth session, in 2017 (E/CN.9/2017/4).

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13081	Personnel development for population and reproductive health	100	Reproductive health
Other pertinent chapters			
110.	**Education**		
11220	Primary education	10	Reproductive health
11230	Non-formal education	10	Reproductive health
11240	Preschool education	10	Reproductive health
11320	Secondary education	10	Reproductive health
120.	**Health**		
12110	Health policy and administrative management	10	Reproductive health
12220	Basic health care	25	Reproductive health
12230	Basic health infrastructure	25	Reproductive health
12240	Nutrition	75	Reproductive health
12261	Health education	25	Reproductive health
12281	Health personnel development	25	Reproductive health
160.	**Other social infrastructure and services**		
16064	Social mitigation of HIV/AIDS	100	Sexually transmitted diseases, HIV/AIDS

Source: Direct communications between the Development Assistance Committee and the Netherlands Interdisciplinary Demographic Institute (3 December 2017).

It is proposed that future estimates of resource allocations to sexual and reproductive health include only those funding codes for which 100 per cent of the resources are classified as sexual and reproductive health resources and exclude all categories for which only a fraction of the total had been included previously. Estimates of resource allocations to sexual and reproductive health under the proposed future approach would, therefore, be lower, since the former estimates included shares of the funding codes for education, overall health, personnel development and nutrition, as shown in the table above.

The new approach would rely on existing categories of data from the Development Assistance Committee that can be consistently tracked, ensuring reproducibility over time, whereas, the former estimates depended also on the subjective views of individuals. The previous approach required checking with donors every year to ask whether the sexual and reproductive health shares assigned to the additional funding codes remained accurate. For such estimates to be precise, each donor would be required, each year, to undertake a careful examination of all pertinent aid projects, with the risk that such a process could introduce inconsistencies in the time series.

In order to minimize such risks, the proposed approach will consider other funding codes (such as education, nutrition or the strengthening of health care) that relate to the Programme of Action, not by asking the share of those categories devoted to sexual and reproductive health, but rather by allocating the full amount of those resources to other relevant funding categories. This is consistent with the ambition to go beyond the traditional focus on sexual and reproductive health and family planning alone, and to track relevant financial flows in other areas, such as health, education, gender, social protection and the environment.

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13. It is proposed that estimates for the former costed components be presented in two categories: (a) resources allocated for population data and policy analysis, based on the funding code for population policy and administrative management (13010); and (b) resources allocated for sexual and reproductive health, which includes the funding codes for reproductive health care (13020), family planning (13030), sexually transmitted disease control, including HIV/AIDS (13040), personnel development for population and reproductive health (13081) and social mitigation of HIV/AIDS (16064).

Tracking official development assistance by Development Assistance Committee donors only

14. It is recommended that the report provide information about resources flows using data from the Development Assistance Committee only and that the tracking of other resource flows, including from national sources, be suspended pending improvements in the quality and availability of the required data.

15. In mandating the present report, the General Assembly requested the Secretary-General to promote the exchange of information on the requirements for international assistance among the members of the donor community. Only one central database exists for the systematic recording of aid flows, notably the aid statistics of OECD, and this database covers almost exclusively aid flows recorded by developed countries. The largest share of development assistance still comes from the Governments of OECD donor countries, but there is no centralized system to record information on the increasing share of development assistance that comes from non-traditional donors, including, not only the Governments of countries with emerging market economies, but also private foundations and NGOs. The increasing importance of domestic resource flows is recognized, including public and private resources from households, foundations, civil society organizations and companies. However, the tracking of domestic flows continues to be hampered by methodological challenges and weak data systems.

III. Tracking of official development assistance

16. Since the turn of the millennium and the adoption of the Millennium Development Goals, ODA has seen a marked increase (see fig. I). While ODA by traditional donors (Development Assistance Committee countries) continues to account for the largest share of ODA, ODA by non-traditional donors (non-Development Assistance Committee countries) has significantly increased over time. Furthermore, because some non-Development Assistance Committee countries do not report their development assistance to OECD, it is probable that the amount of ODA from non-Development Assistance Committee countries recorded in the OECD database is underestimated.

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Figure I
Total official development assistance to all sectors, 1990–2016
(Billions of current United States dollars)



Source: OECD international development statistics. Available from http://www.oecd.org/dac/stats/idsonline.htm (accessed on 22 January 2018).

17. For most countries, domestic resources have always been, and will always be, the most important source of financing for development. As national data systems are strengthened in the relevant sectors, further attention should be given to domestic resources for the implementation of the Programme of Action for potential inclusion in this report. In the interim, given the continuing importance of foreign aid to the poorest countries and its catalytic effects in many countries, it is proposed that the tracking of resource flows for the implementation of the Programme of Action should focus on ODA.

A. The costed components of the Programme of Action

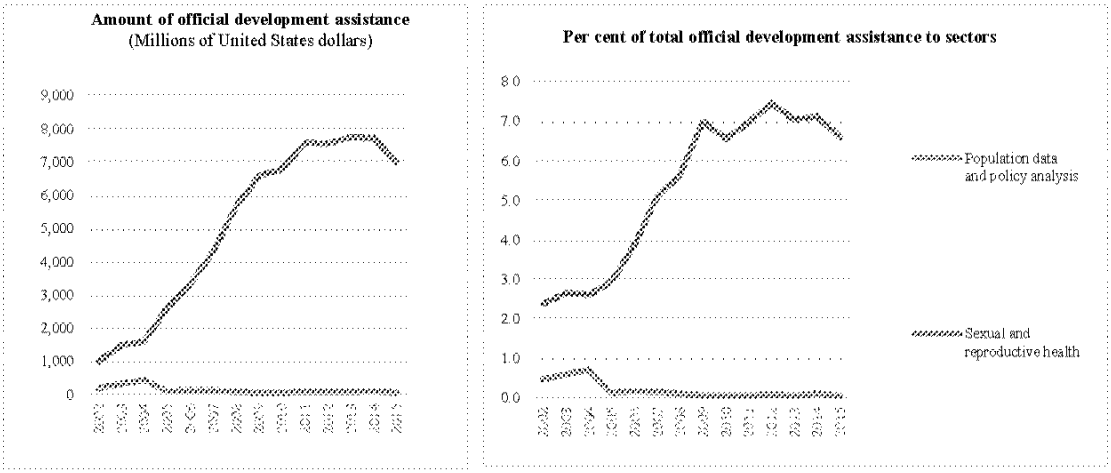
18. Figure II shows ODA allocated for population data and policy analysis as well as sexual and reproductive health during the period from 2002 to 2015. These flows, in value terms, as well as in terms of the share of total ODA that may be allocated to different sectors, show a similar picture: over the entire period from 2002 to 2015, ODA for population data and policy analysis declined and remained low, whereas ODA for sexual and reproductive health increased in both absolute and relative terms, notwithstanding a decline in the most recent years.

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Figure II

Official development assistance to population data and policy analysis and sexual and reproductive health, 2002–2015

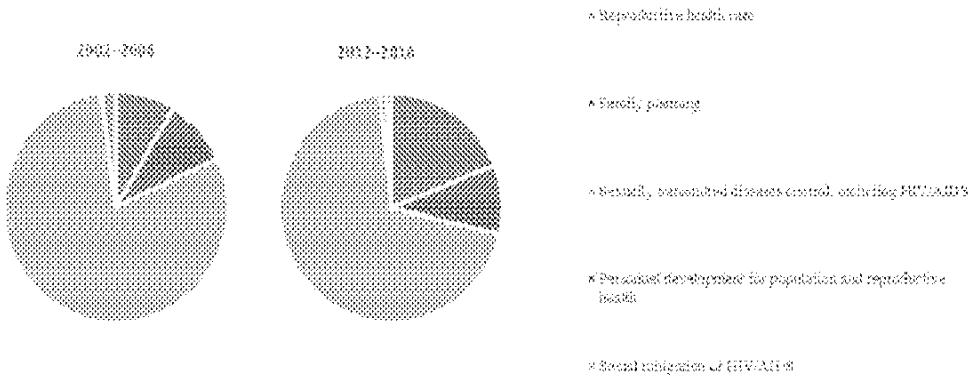


Source: OECD international development statistics. Available from http://www.oecd.org/dac/stats/idsonline.htm (accessed on 12 December 2017)

19. As discussed above, the reporting distinctions for ODA committed within sexual and reproductive health (i.e., investments for sexually transmitted diseases, reproductive health care and family planning) are blurred. However, it is possible to draw general conclusions from broader trends. A comparison of the proportions of the subcomponents during the period from 2002 to 2006 with those of subcomponents in the period from 2012 to 2016 (see fig. III) shows that ODA to sexual and reproductive health was, and continues to be, dominated by aid for sexually transmitted diseases, which is largely a reflection of HIV/AIDS activities.

Figure III

Distribution of official development assistance for sexual and reproductive health subcomponents



Source: OECD international development statistics. Available from http://www.oecd.org/dac/stats/idsonline.htm (accessed on 12 December 2017).

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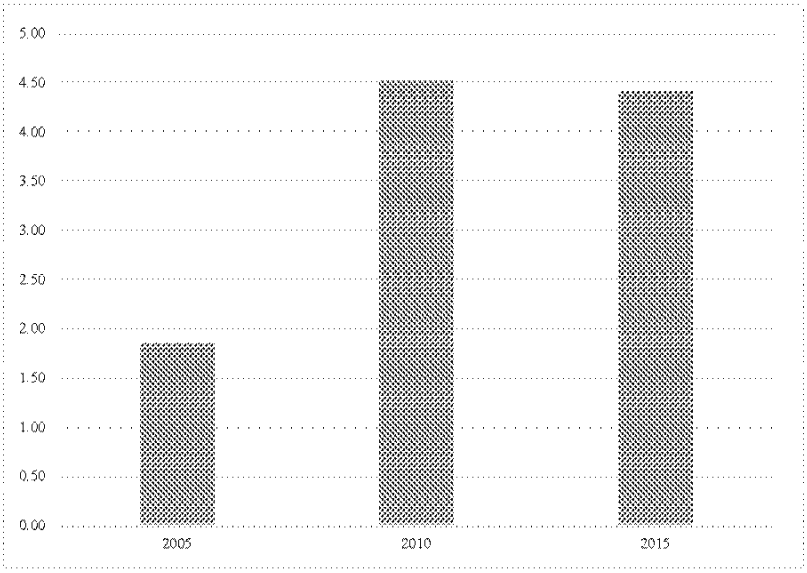
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20. Annual ODA for sexual and reproductive health care per woman of reproductive age in the developing world increased from less than $2 in 2005 to more than $4 in 2015 (see fig. IV).[3] While this represents a notable increase, the previous report of the Secretary-General on this subject (E/CN.9/2017/4) showed that this amount, even when combined with flows from domestic and other sources, is insufficient to ensure universal access to reproductive health care.

Figure IV

Official development assistance for sexual and reproductive health per woman of reproductive age in developing countries

(Current United States dollars)



Source: OECD international development statistics. Available from http://www.oecd.org/dac/stats/idsonline.htm (accessed on 12 December 2017).

21. ODA allocated for population data and policy analysis, which includes the collection and analysis of demographic data, as well as population policy analysis, saw a marked decline between 2005 and 2015, from almost $700,000 per developing country in 2005 to only $360,000 per developing country in 2015 (see fig. V).[3] The strengthening of population data systems is emphasized in the Programme of Action and in the 2030 Agenda for Sustainable Development as essential for people-centred development strategies, evidence-based policy making and good governance. Leaving no one behind depends critically on the collection of population data that provides basic information on the population and assures legal identity for all persons.

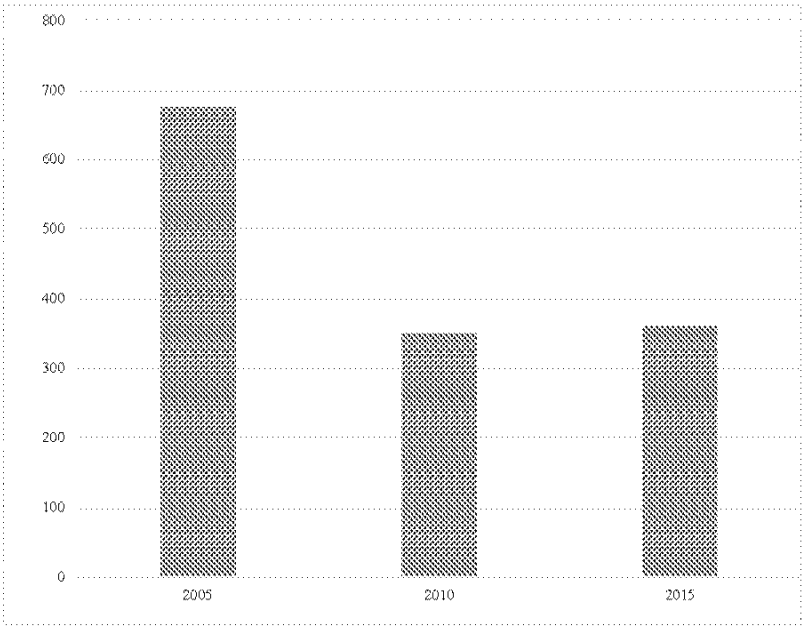
[3] It is important to note that these estimates show averages and general trends only, and that actual values can differ significantly among countries. The countries identified as less developed by the United Nations serve as a denominator for these estimates (see https://esa.un.org/unpd/wpp/). Women of reproductive age are those between age 15 and 49.

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Figure V
Official development assistance for population data and policy analysis per developing country

(Thousands of current United States dollars)



Source: OECD international development statistics. Available from http://www.oecd.org/dac/stats/idsonline.htm (accessed on 12 December 2017).

B. Beyond the costed components of the Programme of Action

22. In the present report it is recommended that the scope of resource tracking be broadened beyond reproductive health and family planning to include a larger selection of investments that are directly relevant to implementing the Programme of Action. For example, instead of estimating the share of basic health infrastructure that is pertinent to sexual and reproductive health, the proposed estimates will include resource flows for basic health infrastructure in full. This recommendation is based not only on the recognition that it is difficult and cumbersome to define shares pertinent to sexual and reproductive health anew each year, but also on the recognition that basic health infrastructure is essential for the implementation of the Programme of Action overall.

23. OECD records levels of development assistance going to virtually all areas of development, many of which arguably go beyond the Programme of Action. The difficulty is thus to decide which areas to include in the tracking of resources for the further implementation of the Programme of Action and which areas to exclude. The broad categories of development addressed in the Programme of Action provide useful guidance in that regard. The following areas are proposed for consideration (see annex I): education, health, water and sanitation, government and civil society (including funding codes for human rights, gender equality and ending violence against women), other social infrastructure and services (including funding codes for social welfare services and statistical capacity development), communication, energy

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generation and supply, multisectoral and crosscutting (including funding codes for urban development, rural development, multisectoral education and research and development), as well as humanitarian matters.

24. In accordance with the original mandate for the present report, annex I shows changes in ODA between 2002 and 2015 for categories that are important to the implementation of the Programme of Action beyond the costed components. The table offers considerable detail, but also allows for the identification of a few broader trends. It is notable that ODA for health other than sexual and reproductive health and ODA for education, have seen a decline. While aid to those sectors grew considerably in the early years of the millennium, motivated in part by the Millennium Development Goals, it has fallen in recent years. Basic health care and health education have seen a particularly significant fall, and both primary and secondary education have seen a drop. Yet these areas of health and education remain of immense importance to the implementation of the Programme of Action, to the realization of development, especially in the least developed countries, and to the prospects for reaping a demographic dividend. In the 2030 Agenda, these areas of health and education are associated with dedicated Goals and targets.

25. Annex I also shows that ODA allocations in support of human rights and women's equality organizations have remained relatively stable. Regrettably, however, no ODA allocations have thus far been reported under the funding code for violence against women. Since this is a new funding code, the absence of reported information should not be seen as an indication that no aid is being allocated for this purpose.

26. ODA allocated for reconstruction, relief and rehabilitation has also grown, whereas ODA for disaster prevention and preparedness has remained relatively stagnant in nominal value. Thus, while aid commitments to help countries in crisis situations have increased, aid commitments to help countries plan ahead have not. Planning ahead and preparing for a disaster that might strike is critically dependent on data, including population data, and would ideally be complemented by support for strengthening statistical capacities. Yet, like aid allocations for population data and policy analysis, allocations for the strengthening of statistical capacity remain small.

27. It is notable that ODA commitments for urban development have increased, consistent with the continuing growth of urban areas in the developing world, whereas ODA commitments for rural development have decreased. However, resources allocated to urban and rural development could suitably be embedded within resources allocated to other sectors. There are, for example, strong linkages between resources allocated for rural development and agriculture and between resources allocated for agriculture and environmental protection.

28. A periodic review of the development categories that are tracked would be valuable. In a given year, the report may provide a closer look at Development Assistance Committee resource flows in areas that are the thematic focus of an annual session of the Commission on Population and Development, if such information is available in the Development Assistance Committee database. For example, Development Assistance Committee data are provided for urban development and related infrastructure, which relates to the special theme of the fifty-first session of the Commission, namely, "Sustainable cities, human mobility and international migration". The database may offer opportunities for tracking resource flows related to themes of future sessions.

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29. The present report includes a list of proposed areas for which ODA relevant to the Programme of Action could be tracked going forward (see annex I). It is recommended that tracking categories be reviewed in the future on a periodic basis and that they be linked to the theme of the annual session of the Commission on Population and Development whenever possible.

IV. Tracking domestic resources

30. Historically, efforts were made to track domestic resources for the further implementation of the Programme of Action, but, as outlined in the two previous reports on this subject, the completeness and reliability of information on domestic resource flows in specific sectors are not sufficient to allow for systematic comparisons at the global level. The present section provides a description of the important role of national accounts and national health accounts and illustrates potential ways of strengthening national data systems to allow for such tracking in the future.

A. National accounts

31. The only systematic way to measure domestic resource allocations for any particular purpose, including the implementation of the Programme of Action, is through systems of national accounts. Within national accounts, consumption expenditures are available for the public sector (including general government expenditures) as well as the private sector. The private sector can be further divided into private companies, households, civil society organizations and other private actors. Coverage is relatively comprehensive when it comes to government consumption expenditures, as they are recorded within budgetary processes, but far less comprehensive for private expenditures. Moreover, in countries with a relatively large degree of informality in the economy, a correspondingly large share of economic transactions are not recorded in the systems of national accounts. The only way to record total national expenditure for specific areas of interest is through comprehensive national procurement and payment systems, which record all essential information when a transaction takes place.

32. National accounts data published by the international financial institutions and the United Nations typically include government and household final consumption expenditures, but national systems for recording expenditures are often too general to offer profound insights. They record expenditures for broad categories, such as education or health, but do not show detailed expenditures for products or services.

33. Government financial statistics published by the International Monetary Fund (IMF) provide an internationally comparable breakdown of government spending by more detailed subcategories than those available within the system of national accounts compiled by the United Nations, but these remain limited in coverage.[4] The Statistics Division provides data on government expenditures by a few areas pertinent to the Programme of Action, including education, health, family and children, older persons and social protection.

[4] The IMF government finance statistics in health include six subcategories: medical products; outpatient services; hospital services; public health services; health research and development; and health not elsewhere classified.

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34. Problems with these data for the purpose of tracking investments to implement the Programme of Action include a lack of granularity on relevant topics, delays in publication and incomplete accounts. As of December 2017, only 17 countries had published national accounts data for 2016. Accuracy is also an issue, with different sources reporting very different figures for certain countries. For example, according to national accounts data provided by the United Nations, a particular Government had average consumption expenditures equal to 17 per cent of GDP in 2014–2015. However, according to estimates by IMF, the same Government had consumption expenditures of 22 per cent of GDP in the same period. Better tracking within given sectors will help to strengthen data on national accounts, and the construction of national health accounts offers a valuable model in this regard.

B. National health accounts

35. National health accounts are a practical tool for policymakers interested in evaluating their nation's health-care financing and assessing the impact of financial interventions to improve people's health. To standardize data on health expenditures and resource flows, OECD published *A System of Health Accounts 2011*.[5] The system of health accounts framework suggests data sources and provides instructions on how to categorize health expenditures by defining health activities, setting time intervals and establishing residency definitions. It is the most widely used reference for health expenditure accounting.

36. National health accounts reports include national spending for programmatic areas. A systematic review of available national health accounts reports from the World Health Organization (WHO) online repository[6] indicates that 25 national health accounts reports include subaccount data on HIV financing, 19 contain data on reproductive health-care expenditures and 16 contain information on family planning. Of this comparatively small sample of reports with available data, the majority split the expenditure figure into public, private and external aid. National health accounts expenditures are generally reported at the disease/programme level. In some instances, however, expenditures are reported at the provider or function level.

37. In theory, the national health accounts/system of health accounts framework for health finance reporting represents the best available approach for measuring national resource flows for the health-related components of the Programme of Action based on bottom-up national quantification. Annexes II and III show different approaches to national health accounts, based on two country examples: Afghanistan and Uganda.

38. The challenge in relying on national health accounts to estimate domestic resources for implementation is that it is time-consuming and costly to prepare national reports. The reporting methodology should be flexible enough to accommodate the data available in each country, yet structured enough to allow for aggregation and comparison. According to a review of 872 national health accounts reports from 117 countries, the data from national health accounts reports on health expenditure are often incomplete and, in some cases, of questionable quality.[7] In 2015, the latest year of national health accounts reports, only 14 countries completed

[5] OECD, Eurostat and World Health Organization, *A System of Health Accounts 2011: revised edition* (Paris, 2017).

[6] Available from http://www.who.int/health-accounts/en/.

[7] See Bui, A., Lavado, R., Johnson, E., Brooks, B., Freeman, M., Graves, C., Haakenstad, A., Shoemaker, B., Hanlon, M. and Dieleman, J., "National health accounts data from 1996 to 2010: a systematic review", in *Bulletin of the World Health Organization*, vol. 93, No. 8 (2015).

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the exercise,[8] which is carried out at the discretion of each country. In addition, the current publication timeline for national health accounts reports is relatively slow; data for 2015 were only just released at the end of 2017.

39. Recommendations for the improvement of national health accounts reports include:

- Reform of financial data management and tracking systems
- Harmonization of national health reporting categories to follow the system of national health accounts framework
- Improvement of transparency in the methods used to impute data to fill gaps in national health accounts
- Better adherence to established frameworks

C. Estimating expenditures for family planning

40. Over the past years, an increasing number of entities have attempted to estimate resource flows for family planning, particularly in commodities. As with national health accounts, the overarching objective has been to account for external and domestic, and public and private resources.

41. The Kaiser Family Fund, the Netherlands Interdisciplinary Demographic Institute and others contribute to Track20-Family Planning 2020 estimates of total expenditures on family planning for 69 countries, published in the annual Family Planning 2020 progress report.[9] Building on these efforts, Track20 partners and Avenir Health estimate reproductive health supplies commodities and generate a corresponding gap analysis. These analyses integrate a range of data sources, including Development Assistance Committee data, surveys, manufacturer data, direct communications and modelling. The private/individual expenditures are estimated using demographic and health survey data to model consumption estimates, in addition to using Netherlands Interdisciplinary Demographic Institute survey data in select countries.

42. The challenge of securing reliable estimates of external and domestic expenditures, even for a very specific category, such as family-planning commodities, remains significant. A recent validation exercise comparing several in-country sources found wide variations in estimation.

43. Current findings are aggregated to the regional level only, but the Reproductive Health Supplies Coalition estimates of reproductive health supplies commodities aimed to publish public, private and NGO disaggregated data on reproductive health supplies commodities at the country level in its 2018 commodity gap analysis.[10] An example of 2016–2020 global estimates for family planning supplies expenditures for the period from 2016 to 2020 is provided in figure VI.

[8] See http://www.who.int/health-accounts/en/ (accessed on 1 December 2017).

[9] Available from http://progress.familyplanning2020.org/en/fp2020-and-global-partners/mobilizing-resources.

[10] The methodology and detailed results are available on an interactive online dashboard. Available from https://www.rhsupplies.org/activities-resources/commodity-gap-analysis/2016/dashboard/.

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Figure VI
Global estimates of expenditures for family planning supplies, 2016–2020

	2016	2017	2018	2019	2020	Increase/(decrease) from 2016 to 2020 Amount	Percentage
Volume (millions of units)							
Sterilization	12.8	12.9	13.0	13.0	13.1	0.3	2.3
Implants	4.3	4.8	5.3	5.9	6.5	2.2	51.2
Intrauterine devices	9.7	9.5	9.3	9.2	9.0	(0.7)	(7.2)
Injectables	309.4	328.4	347.7	367.4	387.2	77.8	25.1
Pills	1 069.0	1 057.0	1 045.0	1 031.0	1 016.0	(53.0)	(5.0)
Male condoms	6 957.0	7 209.0	7 483.0	7 755.0	8 033.0	1 076.0	15.5
Other	58.0	61.3	65.3	69.5	74.6	16.6	28.6
Value (millions of current United States dollars)							
Sterilization	43.6	43.9	44.2	44.5	45.0	1.1	2.3
Implants	46.2	51.5	57.3	63.3	70.0	23.3	51.2
Intrauterine devices	26.0	24.4	22.9	21.3	20.0	(6.2)	(7.2)
Injectables	544.8	577.8	611.3	645.4	680.0	135.0	25.1
Pills	513.0	511.4	509.7	507.3	504.0	(9.0)	(5.0)
Male condoms	162.3	168.1	174.4	180.6	187.0	24.6	15.5
Other	15.9	16.8	17.9	19.0	20.0	4.3	28.6
Total	**2 704.0**	**2 788.0**	**2 876.0**	**2 962.0**	**3 050.0**	**346.0**	**17.2**

Source: Reproductive Health Supplies Coalition, *Global Contraceptive Commodity Gap Analysis 2016* (Brussels, 2017).

44. Much greater investment in national data systems is needed to strengthen national capacities to register and report domestic expenditures on reproductive health, including family planning, and on the wide array of investments needed to advance the implementation of the Programme of Action.

V. Summary of recommendations

45. In response to the request of the Economic and Social Council, the present report puts forward the following technical recommendations on the future scope, format and periodicity of the report:

(a) **Data sources.** It is recommended that the annual report on resource flows be based on official development assistance, in the light of the original mandate contained in General Assembly resolution 49/128 and in the light of the incompleteness of reliable data on resource allocations at the domestic level. Accordingly, the report would track resource allocations by Development Assistance Committee member countries, as recorded in the OECD creditor reporting system;

(b) **Scope.** It is recommended that the resource tracking exercise be expanded beyond the four costed components contained in the Programme of Action to include categories that more fully represent the scope of the Programme of Action. Proposed

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categories for inclusion are provided in the present report (see annex I). It is further recommended that the list of categories be subject to periodic review and possible refinement, and that it be adapted, where feasible, to the thematic focus of each annual session of the Commission on Population and Development;

(c) **Categories.** Given the continuing challenges with respect to distinguishing among expenditures for family planning, basic reproductive health and HIV/AIDS prevention, it is recommended that expenditures for those areas be presented as a single aggregate category of sexual and reproductive health, complemented by the estimate of resource flows for population data and policy analysis (the latter includes the collection, analysis and use of population data, capacity-building, policy development and training);

(d) **Format.** It is recommended that information on official development assistance by Development Assistance Committee countries be presented in a series of standard charts and tables, to be issued as a stand-alone report of the Secretary-General on resource flows for the implementation of the Programme of Action. The standard charts and tables would update figures I to IV of the present report, as well as annex I;

(e) **Periodicity.** Continuation of an annual report is recommended, consistent with the specifications outlined in the present report, subject to a quadrennial review that includes an update on the status and emerging potential of new data sources from other donors beyond OECD and emerging sources of information about domestic expenditures;

(f) **Partnership and capacity-strengthening.** Given the importance of further developing national data systems to support the estimation of domestic expenditures for development, including for reproductive health and the overall implementation of the Programme of Action, enhanced global partnerships and capacity-building are encouraged in order to strengthen systems of national accounts.

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Annex I

Official development assistance categories beyond the costed components of the Programme of Action of the International Conference on Population and Development that are relevant to the implementation of the Programme of Action, based on the Organization for Economic Cooperation and Development creditor reporting system

		Average annual value (Millions of current United States dollars)				*Share of official development assistance (Percentage)*	
Code	*Label*	*2002–2006*	*2007–2011*	*2012–2015*	*2015*	*2012–2015*	*2015*
130	**Population policies/programmes and reproductive health**	**2 229**	**6 173**	**7 719**	**7 007**	**7.3**	**6.6**
13010	Population policy and administrative management	249	83	95	64	0.1	0.1
13020	Reproductive health care	175	791	1 452	1 577	1.4	1.5
13030	Family planning	191	442	751	831	0.7	0.8
13040	Sexually transmitted diseases control including HIV/AIDS	1 610	4 844	5 356	4 462	5.0	4.2
13081	Personnel development for population and reproductive health	3	13	66	73	0.1	0.1
110	**Education**	**4 892**	**8 929**	**8 766**	**7 578**	**8.2**	**7.2**
11120	Education facilities and training	149	663	713	623	0.7	0.6
11130	Teacher training	66	160	207	290	0.2	0.3
11182	Educational research	17	36	28	40	0.0	0.0
11220	Primary education	1 057	2 216	1 980	1 784	1.9	1.7
11230	Basic life skills for youth and adults	121	139	169	182	0.2	0.2
11240	Early childhood education	14	41	34	42	0.0	0.0
11320	Secondary education	102	336	413	244	0.4	0.2
11330	Vocational training	232	457	505	527	0.5	0.5
11420	Higher education	2 450	3 658	3 335	3 011	3.1	2.9
11430	Advanced technical and managerial training	111	145	148	156	0.1	0.1
120	**Health**	**2 750**	**4 610**	**5 705**	**5 217**	**5.4**	**4.9**
12110	Health policy and administrative management	646	939	1 002	730	0.9	0.7
12220	Basic health care	679	1 068	1 056	752	1.0	0.7
12230	Basic health infrastructure	260	339	284	283	0.3	0.3
12240	Basic nutrition	89	245	671	620	0.6	0.6
12261	Health education	35	44	106	54	0.1	0.1
12281	Health personnel development	26	64	82	95	0.1	0.1
140	**Water and sanitation**	**2 002**	**3 970**	**4 276**	**4 078**	**4.0**	**3.9**
14020	Water supply and sanitation — large systems	991	1 809	1 512	1 324	1.4	1.3
14021	Water supply — large systems	–	219	447	644	0.4	0.6
14022	Sanitation — large systems	–	182	217	228	0.2	0.2
14030	Basic drinking water supply and basic sanitation	479	899	836	684	0.8	0.6

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Code	Label	Average annual value (Millions of current United States dollars) 2002–2006	2007–2011	2012–2015	2015	Share of official development assistance (Percentage) 2012–2015	2015
14031	Basic drinking water supply	–	139	153	236	0.1	0.2
14032	Basic sanitation	–	52	101	141	0.1	0.1
14050	Waste management/disposal	70	119	122	158	0.1	0.1
150	**Government and civil society**	**5 877**	**11 849**	**13 026**	**11 221**	**12.2**	**10.6**
15110	Public sector policy and administrative management	2 589	2 909	2 153	1 704	2.0	1.6
15113	Anti-corruption organizations and institutions	–	126	182	129	0.2	0.1
15130	Legal and judicial development	408	2 012	2 708	2 148	2.5	2.0
15150	Democratic participation and civil society	873	1 539	2 258	1 845	2.1	1.7
15152	Legislatures and political parties	–	136	129	98	0.1	0.1
15153	Media and free flow of information	99	227	401	416	0.4	0.4
15160	Human rights	334	606	792	741	0.7	0.7
15170	Women's equality organizations and institutions	90	353	396	408	0.4	0.4
15180	Ending violence against women and girls	–	–	–	–	–	–
160	**Other social infrastructure and services**	**2 398**	**3 244**	**2 437**	**1 763**	**2.3**	**1.7**
16010	Social/welfare services	415	1 227	1 072	908	1.0	0.9
16040	Low-cost housing	60	96	119	90	0.1	0.1
16050	Multisector aid for basic social services	204	361	406	148	0.4	0.1
16062	Statistical capacity-building	42	91	93	86	0.1	0.1
16064	Social mitigation of HIV/AIDS	41	102	55	29	0.1	0.0
220	**Communications**	**279**	**383**	**298**	**259**	**0.3**	**0.2**
22040	Information and communications technology	32	112	94	67	0.1	0.1
230–233	**Energy generation, distribution and efficiency**						
231	Energy generation, distribution and efficiency — general	302	648	1 043	1 377.7	1.0	1.3
232	Energy generation, renewable sources	410	1 457	1 835	1 668	1.7	1.6
233	Energy generation, non-renewable sources	272	876	939	618.5	0.9	0.6
23630	Electric power transmission and distribution	789	879	982	1 382.9	0.9	1.3
410	**General environmental protection**	**1 119**	**3 351**	**3 947**	**3 446**	**3.7**	**3.3**
430	**Other multisector**	**2 938**	**5 351**	**6 097**	**6 779**	**5.7**	**6.4**
43030	Urban development and management	239	485	678	1 064	0.6	1.0
43040	Rural development	508	808	873	613	0.8	0.6
43081	Multisector education/training	282	576	711	574	0.7	0.5
43082	Research/scientific institutions	229	281	416	624	0.4	0.6
730	**Reconstruction and rehabilitation**	**483**	**766**	**522**	**753**	**0.5**	**0.7**
73010	Reconstruction relief and rehabilitation	483	766	522	752.8	0.5	0.7
740	**Disaster prevention and preparedness**	**39**	**268**	**518**	**555**	**0.5**	**0.5**
74010	Disaster prevention and preparedness	39	268	518	555	0.5	0.5

Source: OECD international development statistics. Available from http://www.oecd.org/dac/stats/idsonline.htm (accessed on 12 December 2017).

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Annex II

Afghanistan national health account: expenditure on disease in 2014, by health-care provider

(Millions of current United States dollars)

Disease/condition	*Hospitals*	*Residential long-term care facilities*	*Providers of ambulatory health care*	*Providers of ancillary services*	*Retailers and providers of medical goods*	*Providers of preventive care*	*Providers of health-care system administration and financing*	*Rest of the economy*	*Other countries of the world*	*Unspecified health-care providers*	*Total*
Infectious and parasitic diseases	17.86	–	5.83	–	2.05	13.34	2.54	0.75	–	–	42.36
HIV/AIDS and other sexually transmitted diseases	0.34	–	2.14	–	–	1.17	0.37	–	–	–	4.03
HIV/AIDS and opportunistic infections	0.34	–	2.14	–	–	1.17	0.37	–	–	–	4.03
HIV/AIDS	0.34	–	2.14	–	–	1.17	0.37	–	–	–	4.03
Tuberculosis	14.71	–	0.80	–	0.15	3.98	1.74	–	–	–	21.37
Tuberculosis treatment (general)	14.71	–	0.80	–	0.15	3.98	1.74	–	–	–	21.37
Malaria	2.81	–	2.88	–	1.90	8.19	0.43	0.75	–	–	16.97
Reproductive health	9.46	–	157.26	–	163.80	–	2.98	–	0.96	–	334.46
Maternal conditions	1.62	–	29.14	–	26.35	–	1.28	–	0.44	–	58.83
Perinatal conditions	2.61	–	41.48	–	45.15	–	0.64	–	0.20	–	90.09
Contraceptive management (family planning)	2.42	–	42.10	–	43.84	–	0.07	–	–	–	88.43
Small bowel adenocarcinoma	2.80	–	44.54	–	48.46	–	0.99	–	0.32	–	97.11
Child health diseases	100.30	–	195.73	–	179.43	11.37	3.41	0.52	3.34	–	494.11
Acute respiratory infections	43.65	–	112.50	–	125.17	–	1.63	0.29	0.55	–	283.79
Diarrheal disease	40.73	–	26.37	–	29.13	–	0.44	0.07	0.22	–	96.94
Malnutrition (nutritional deficiencies)	15.47	–	49.42	–	16.85	11.37	1.24	0.14	2.54	–	97.04
Anemia	0.46	–	7.44	–	8.28	–	0.10	0.02	0.04	–	16.34
Child immunization	–	–	7.66	–	–	52.46	0.41	0.08	0.15	–	60.76
Other	655.60	3.32	133.16	1.52	142.66	7.00	76.48	1.49	5.08	0.16	1 026.46
Total	**783.22**	**3.32**	**499.64**	**1.52**	**487.94**	**84.17**	**85.81**	**2.85**	**9.53**	**0.16**	**1 958.14**

Source: Afghanistan, Ministry of Health.

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STATE-18-0379-A-000022

C06706066 U.S. Department of State Case No. F-2018-04761 Doc No. C06706066 Date: 05/16/2019

UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06706066 Date: 05/16/2019

Annex III

Uganda national health account: expenditure on disease in the fiscal year 2013/14, by financing source

		Government		Private		Development partners	
Disease code	*Disease*	*Amount (Millions of current Uganda shillings)*	*Share of total (percentage)*	*Amount (Millions of current Uganda shillings)*	*Share of total (percentage)*	*Amount (Millions of current Uganda shillings)*	*Share of total (percentage)*
DIS.1	Infectious and parasitic diseases	401 623	45.7	1 025 284	50.4	1 672 499	81.9
DIS.1.1	HIV/AIDS and other sexually transmitted diseases	217 177	24.7	151 967	7.5	1 216 253	59.5
DIS.1.2	Tuberculosis	41 855	4.8	–	0.0	11 422	0.6
DIS.1.3	Malaria	94 466	10.7	644 007	31.6	364 487	17.8
DIS.1.4	Respiratory infections	7 642	0.9	177 156	8.7	14 004	0.7
DIS.1.5	Diarrheal diseases	3 594	0.4	50 335	2.5	16 599	0.8
DIS.1.6	Neglected tropical diseases	3	0.0	–	0.0	–	0.0
DIS.1.7	Vaccine preventable diseases	11 760	1.3	503	0.0	46 506	2.3
DIS.1.nec	Other and unspecified infectious and parasitic diseases	25 125	2.9	1 317	0.1	3 228	0.2
DIS.2	Reproductive health	129 770	14.8	417 953	20.5	95 357	4.7
DIS.2.1	Maternal conditions	70 621	8.0	243 727	12.0	38 204	1.9
DIS.2.2	Perinatal conditions	25 406	2.9	174 215	8.6	263	0.0
DIS.2.3	Contraceptive management (family planning)	16 072	1.8	8	0.0	37 322	1.8
DIS.2.nec	Unspecified reproductive health conditions	17 671	2.0	2	0.0	19 568	1.0
DIS.3	Nutritional deficiencies	21 176	2.4	125 822	6.2	3 723	0.2
DIS.4	Noncommunicable diseases	198 783	22.6	22 817	1.1	11 885	0.6
DIS.4.1	Neoplasms	35 984	4.1	–	0.0	2 674	0.1
DIS.4.2	Endocrine and metabolic disorders	2 343	0.3	–	0.0	24	0.0
DIS.4.3	Cardiovascular diseases	12 478	1.4	–	0.0	105	0.0
DIS.4.4	Mental and behavioural disorders and neurological conditions	9 650	1.1	19 357	1.0	245	0.0
DIS.4.8	Sense organ disorders	–	0.0	–	0.0	7 441	0.4
DIS.4.9	Oral diseases	138 328	15.7	3 459	0.2	1 426	0.1
DIS.5	Injuries	25 541	2.9	104 960	5.2	8 218	0.4

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STATE-18-0379-A-000023

UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06706066 Date: 05/16/2019

Disease code	Disease	Government		Private		Development partners	
		Amount (Millions of current Uganda shillings)	Share of total (percentage)	Amount (Millions of current Uganda shillings)	Share of total (percentage)	Amount (Millions of current Uganda shillings)	Share of total (percentage)
DIS.6	Non-disease specific	54 523	6.2	21 905	1.1	154 247	7.6
DIS.nec	Other and unspecified diseases/conditions	47 350	5.4	316 557	15.6	96 894	4.7
Total		**878 766**	**100.0**	**2 035 298**	**100.0**	**2 042 822**	**100.0**

Source: Uganda, Ministry of Health, Uganda health accounts: national health expenditure, financial years 2012/13 and 2013/14. Available from http://www.health.go.ug/download/file/fid/1334 (accessed on 19 January 2018).

C06706066 U.S. Department of State Case No. F-2018-04761 Doc No. C06706066 Date: 05/16/2019

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STATE-18-0379-A-000024

From: Nordquist, DJ D. EOP/CEA <[redacted]> B6
Sent: Friday, April 13, 2018 9:19 AM
To: stullml@state.gov
Subject: background on UPU
Attach: [redacted] B5

RELEASE IN PART B5,B6

Hey Mari - attached please find 3 documents related to international postal issues – the first two are the most recent; am also sending along one from January that has more background. [redacted] B5

[redacted]

Let me know if you have any questions.

-DJ

DJ Nordquist
Chief of Staff
Council of Economic Advisers
The White House
[redacted] B6

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B6

RELEASE IN PART B6

From: Ryan Ong <[redacted]>
Sent: Monday, May 7, 2018 12:43 PM
To: greerc@state.gov; Stull, Mari L <StullML@state.gov>
Cc: AllegraTX@state.gov; GlaccumDM@state.gov; Wilson, Christopher S. EOP/USTR <[redacted]>; Schimsa, Rebecca (USUN New York) <SchimsaR@state.gov>
Subject: EAGL Coalition on International Organization Priorities and Meeting Request
Attach: 2018.05 EAGL Letter to Assistant Secretary Moley on Coalition and World Health Assembly Priorities.pdf

---

Dear Colleen and Mari:

On behalf of the Engaging America's Global Leadership (EAGL) coalition, please see attached a copy of a direct letter to Assistant Secretary Moley discussing priorities related to initiatives at international organizations as well as a meeting request between Amb. Moley and members of our coalition. We are in the process of finalizing a more detailed set of priorities ahead of the May World Health Assembly, which we're also happy to provide as soon as completed.

Please let me know if you have any questions on these issues, and hope that we may be able to find a time to engage directly.

Yours,
Ryan

Ryan Ong
Director, International Business Policy
National Association of Manufacturers
E-mail:
Direct:



NAM Facebook | Twitter | Instagram | LinkedIn | YouTube

AMERICAN OVERSIGHT

EAGL
Engaging America's Global Leadership

RELEASE IN PART B6

May 7, 2018

The Honorable Kevin E. Moley
Assistant Secretary
Bureau of International Organization Affairs
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Assistant Secretary Moley:

On behalf of the Engaging America's Global Leadership (EAGL) coalition, we are writing to you to emphasize the importance of U.S. leadership in international organizations such as the United Nations, U.N. specialized agencies, the Organization for Economic Cooperation and Development, and others. EAGL represents 27 business associations that represent diverse industries such as food and agriculture, chemicals, plastics, footwear and apparel, pharmaceuticals, medical devices, and consumer products that are important contributors to the American economy, employing millions of American workers.

As representatives of leading U.S. business associations that represent a broad swath of the manufacturing economy, our members believe in the benefits of investing and participating in a rules-based international system that supports U.S. economic and foreign policy leadership, and of smart, principled U.S. engagement with international organizations. Given the importance of these institutions, we want to ensure that they are operating in a transparent, accountable, and mission-focused manner that advances U.S interests and that the United States and others push back against activities that do not meet those criteria.

EAGL coalition members recognize and strongly support the vital role that international organizations play in creating a more secure and prosperous world, and the need for U.S. leadership in these conversations. Such leadership is more important now than ever before, as our members are seeing a range of activities in various organizations that do not meet basic criteria for transparency and accountability and have negative impacts on U.S. economic leadership. These types of initiatives are often characterized by:

- Pursuit of program agendas that do not align with U.S. approaches and undermine U.S. competitiveness in global markets;
- A lack of transparent, evidence-based and/or rigorous processes that would align with international good regulatory practice;
- Efforts by these organizations to lobby countries to adopt divisive and controversial trade and commercial policies that disadvantage U.S. manufacturers, such as policies that undermine intellectual property or adopt discriminatory regulations; or
- Efforts to exclude or minimize input from private sector stakeholders.

These types of initiatives span across a range of international organizations, from the World Health Organization (WHO) to the Universal Postal Union (UPU) to the Organization for

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Economic Cooperation and Development (OECD). The State Department's Bureau of International Organization Affairs plays a key role in shaping and supporting U.S. engagement with the full range of international organizations. EAGL asks that your Bureau, in close coordination with your interagency counterparts, monitor and strategize on how best to push back on such initiatives.

In addition, EAGL urges your active participation in efforts to ensure provisions of the recently adopted Consolidated Appropriations Act regarding a "Review of Contributions to International Organizations and Multilateral Entities" are effectively developed. This provision tasked the Department of State with reporting within 90 days on how the United States measures the effectiveness of its contributions to international organizations and to recommend ways for a more effective evaluation of U.S. participation in them. When compiling this report, it is critical that the Department ensure that these tools include a regular evaluation of the degree to which international organizations and their activities either advance or undermine U.S. jobs, economic growth, and competitiveness. This report will be a critical tool to urge change in the activities of international organizations, which must recognize that the United States will not support activities that harm U.S. interests, including economic and commercial interests. EAGL would be glad to offer additional detailed inputs for this process, and to provide specific examples of ways in which international organization initiatives impact manufacturers in the United States.

On behalf of EAGL, we would also like to request an opportunity to brief you and your team on the views of our members, including the range of initiatives that have raised increasing concern for our members. We would be pleased to work with you and your team to arrange a briefing and roundtable discussion on these issues. Ryan Ong ([redacted] at the National Association of Manufacturers can be your point of contact for scheduling such a meeting. B6

We look forward to working with you and your colleagues to strengthen U.S. engagement and leadership, and the U.S. voice in urging greater transparency, accountability, and focus from international organizations.

Sincerely,

Linda M. Dempsey
Vice President, International Economic Affairs
National Association of Manufacturers
On behalf of EAGL

CC: Mari Stull, Senior Advisor, Bureau of International Organizations, U.S. Department of State

CC: Ted Allegra, Chargé d'Affaires a.i., U.S. Mission to the United Nations Geneva

CC: David Glaccum, Chief of Staff to Ambassador Nikki Haley, U.S. Mission to the United Nations in New York

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From: Nordquist, DJ D. EOP/CEA <[redacted]> B6
Sent: Thursday, May 31, 2018 8:11 AM
To: stullml@state.gov
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]FW: [redacted] B5
Attach: [redacted]

[redacted] B5

DJ Nordquist
Chief of Staff
Council of Economic Advisers
The White House
[redacted] B6

RELEASE IN PART B5,B6

From: Wanamaker, Marianne H. EOP/CEA
Sent: Wednesday, May 30, 2018 9:29 PM
To: Yun, Sara S. EOP/NSC <[redacted]>
Cc: Sullivan, Joseph W. EOP/CEA <[redacted]>; Nordquist, DJ D. EOP/CEA <[redacted]>
Subject: RE: [redacted] B5

Sara:

[redacted]

Thanks, Sara.

Marianne

From: Yun, Sara S. EOP/NSC
Sent: Friday, May 25, 2018 2:03 PM B6
To: Wanamaker, Marianne H. EOP/CEA <[redacted]>
Cc: Sullivan, Joseph W. EOP/CEA <[redacted]>
Subject: RE: [redacted] B5

Marianne, thank you so much. [redacted] B5

From: Wanamaker, Marianne H. EOP/CEA
Sent: Thursday, May 24, 2018 12:03 PM
To: Yun, Sara S. EOP/NSC <[redacted]> B6
Cc: Sullivan, Joseph W. EOP/CEA <[redacted]>
Subject: [redacted] B5

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Sara:

[redacted] B5

Thanks,

Marianne Wanamaker
Chief Domestic Economist
Council of Economic Advisers
Cell: [redacted] B6

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RELEASE IN PART B5,B6

From: Stull, Mari L <StullML@state.gov>
Sent: Sunday, June 3, 2018 10:58 AM
To: Nordquist, DJ D. EOP/CEA < > B6
Subject: Fw: America's poor becoming more destitute under Trump - U.N. expert - RTRS | News Wires
Attach: Report of SR Poverty.pdf

Sent from my BlackBerry 10 smartphone.

From: Cassayre, Mark J <CassayreMJ@state.gov>
Sent: Saturday, June 2, 2018 5:29 PM
To: Stull, Mari L; Moley, Kevin E; Phee, Molly C; Barclay, Erin M
Cc: Schlachter, Mark M
Subject: RE: America's poor becoming more destitute under Trump - U.N. expert - RTRS | News Wires

Report attached. It can also be found at
https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/125/30/PDF/G1812530.pdf?OpenElement

B5

Mark

Official
UNCLASSIFIED

From: Stull, Mari L
Sent: Saturday, June 2, 2018 1:31 PM
To: Cassayre, Mark J <CassayreMJ@state.gov>; Moley, Kevin E <MoleyKE@state.gov>; Phee, Molly C <PheeMC@state.gov>; Barclay, Erin M <BarclayEM@state.gov>
Cc: Schlachter, Mark M <SchlachterMM@state.gov>
Subject: RE: America's poor becoming more destitute under Trump - U.N. expert - RTRS | News Wires

Thanks.

May I have the full report. Governor Ivey is interested (as expected).

M

Official
UNCLASSIFIED

From: Cassayre, Mark J
Sent: Saturday, June 2, 2018 1:02 PM

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To: Moley, Kevin E <MoleyKE@state.gov>; Stull, Mari L <StullML@state.gov>; Phee, Molly C <PheeMC@state.gov>; Barclay, Erin M <BarclayEM@state.gov>
Cc: Schlachter, Mark M <SchlachterMM@state.gov>
Subject: Fw: America's poor becoming more destitute under Trump - U.N. expert - RTRS | News Wires

Sharing in case you did not receive this separately. Reuters in Geneva asked our mission if we had comment. PPC sent Geneva points we had ready when the Special Rapporteur visited. This is the report we mentioned in our meeting yesterday on HRC. If we are still in the HRC, we would have an opportunity to make a statement to provide our views on the report. We have not yet gone through it as it only just came out.

From: Mack, Jason R (Geneva) <MackJR@state.gov>
Sent: Saturday, June 2, 2018 6:59 AM
To: Cassayre, Mark J; Brooks, Robin S; Masghati, Niki; Kim, Caitlyn H
Cc: Pierce, Thomas JN (Geneva); Zieseniss, Mireille L (Geneva); Lubetkin, Wendy C (Geneva)
Subject: Fw: America's poor becoming more destitute under Trump - U.N. expert - RTRS | News Wires

FYI

Sent from my BlackBerry 10 smartphone.

From: Stephanie.Nebehay [redacted] B6
Sent: Saturday, June 2, 2018 12:57
To: Pierce, Thomas JN (Geneva); Zieseniss, Mireille L (Geneva); Lubetkin, Wendy C (Geneva)
Cc: Mack, Jason R (Geneva)
Subject: America's poor becoming more destitute under Trump - U.N. expert - RTRS | News Wires

Further my request for U.S. comment an hour ago, here is my story which can update if ever. Best rgds

THOMSON REUTERS
EIKON™

America's poor becoming more destitute under Trump - U.N. expert - Reuters News

02-Jun-2018 12:54:46 PM

To view this story on Eikon, click here

- U.N. rights expert issues report on extreme poverty in U.S.
- Says Trump policies remove safety net for the poor, reward rich
- Urges U.S. authorities to provide health care, social protection
- 41 million live in poverty in America, one third are children

By Stephanie Nebehay

GENEVA, June 2 (Reuters) - Poverty in the United States is extensive and is deepening under the Trump administration whose policies seem aimed at removing the safety net from millions of poor, while rewarding the rich, a U.N. human rights investigator has found.

Philip Alston, U.N. special rapporteur on extreme poverty, called on U.S. authorities to provide solid social protection and address underlying problems, rather than "punishing and imprisoning the poor".

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While welfare benefits and access to health insurance are being slashed, President Donald Trump's tax reform has awarded "financial windfalls" to the mega-rich and large companies, further increasing inequality, he said in a report.

U.S. policies since President Lyndon Johnson's war on poverty in the 1960s have been "neglectful at best", he said.

"But the policies pursued over the past year seem deliberately designed to remove basic protections from the poorest, punish those who are not in employment and make even basic health care into a privilege to be earned rather than a right of citizenship," Alston said.

Almost 41 million people live in poverty, 18.5 million of them in extreme poverty, and children account for one in three poor, he said. The United States has the highest youth poverty rate among industrialised countries, he added.

"Its citizens live shorter and sicker lives compared to those living in all other rich democracies, eradicable tropical diseases are increasingly prevalent and it has the world's highest incarceration rate...and the highest obesity levels in the developed world," Alston said.

However, the data from the U.S. Census Bureau he cited covers only the period through 2016, and he gave no comparative figures on the extent of poverty before and after Trump came into office in January 2017.

The Australian, a veteran U.N. rights expert and New York University law professor, will present his report to the United Nations Human Rights Council later this month.

It is based on his mission in December to several U.S. states, including rural Alabama, a slum in downtown Los Angeles, California, and the U.S. territory of Puerto Rico.

U.S. officials in Geneva were not immediately available for comment.

"SHAMEFUL STATISTICS"

Citing "shameful statistics" linked to entrenched racial discrimination, Alston said that African Americans are 2.5 times more likely than whites to live in poverty and their unemployment rate is more than double. Women, Hispanics, immigrants, and indigenous people also suffer high rates.

At least 550,000 people are homeless in America, he said.

"The tax reform will worsen this situation and ensure that the United States remains the most unequal society in the developed world," Alston said. "The planned dramatic cuts in welfare will essentially shred crucial dimensions of a safety net that is already full of holes."

The tax overhaul, which sailed through the Republican-controlled U.S. Congress in December, permanently cut the top corporate rate to 21 percent from 35 percent. Tax cuts for individuals, however, are temporary and expire after 2025.

Trump has said they will lead to more take-home pay for workers and have touted bonuses some workers received from their employers as evidence the law is working.

Alston dismissed allegations of widespread fraud in the welfare system and criticised the U.S.

AMERICAN OVERSIGHT

criminal justice system. It sets large bail bonds for a defendant seeking to go free pending trial, meaning wealthy suspects can afford bail while the poor remain in custody, often losing their jobs, he said.

"There is no magic recipe for eliminating extreme poverty and each level of government must make its own good-faith decisions. At the end of the day, however, particularly in a rich country like the United States, the persistence of extreme poverty is a political choice made by those in power," he said.

(Reporting by Stephanie Nebehay; editing by David Stamp)

((Stephanie.Nebehay ; ; Reuters Messaging: ; twitter https://twitter.com/StephNebehay)) B6

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Keywords: USA-RIGHTS/UN

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C06707306 U.S. Department of State Case No. F-2018-04761 Doc No. C06707306 Date: 05/16/2019
RELEASE IN FULL

United Nations A/HRC/38/33/Add.1

General Assembly

Distr.: General
4 May 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on extreme poverty and human rights, Philip Alston, on his mission to the United States of America from 1 to 15 December 2017. The purpose of the visit was to evaluate, and report to the Human Rights Council on, the extent to which the Government's policies and programmes aimed at addressing extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders.

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STATE-18-0379-A-000035

C06707306 U.S. Department of State Case No. F-2018-04761 Doc No. C06707306 Date: 05/16/2019

Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America*

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* Circulated in the language of submission and in Spanish only.

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707306 Date: 05/16/2019
STATE-18-0379-A-000036

C06707306 U.S. Department of State Case No. F-2018-04761 Doc No. C06707306 Date: 05/16/2019

I. Introduction

1. The Special Rapporteur on extreme poverty and human rights visited the United States of America from 1 to 15 December 2017, in accordance with Human Rights Council resolution 35/19. The purpose of the visit was to report to the Council on the extent to which the Government's policies and programmes relating to extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders. The Special Rapporteur is grateful to the Government for inviting him, for facilitating his visit and for continuing its cooperation with the Council's accountability mechanisms that apply to all States.[1]

2. During his visit, the Special Rapporteur met with government officials at the federal, state, county and city levels, members of Congress, representatives of civil society, academics and people living in poverty. He also received more than 40 detailed written submissions in advance of his visit.[2] He visited California (Los Angeles and San Francisco), Alabama (Lowndes County and Montgomery), Georgia (Atlanta), Puerto Rico (San Juan, Guayama and Salinas), West Virginia (Charleston) and Washington, D.C. He is deeply grateful to all those who organized community consultations for him in these locations, and to the US Human Rights Network, which devoted a full day of its 2017 national convening in Atlanta to his country visit.

3. The strict word limit for this report makes it impossible to delve deeply into even the key issues. Fortunately, there is already much excellent scholarship and many civil society analyses of the challenges of poverty in the United States.[3] In the present report, the Special Rapporteur aims to bring together some of those analyses, identify the key poverty-related problems and explain the relevance of the international human rights obligations of the United States in this context. As with all such country visits, the consideration of the report by the Human Rights Council will enable other States to examine the extent to which the United States is living up to its international obligations.

II. Overview

4. The United States is a land of stark contrasts. It is one of the world's wealthiest societies, a global leader in many areas, and a land of unsurpassed technological and other forms of innovation. Its corporations are global trendsetters, its civil society is vibrant and sophisticated and its higher education system leads the world. But its immense wealth and expertise stand in shocking contrast with the conditions in which vast numbers of its citizens live. About 40 million live in poverty, 18.5 million in extreme poverty, and 5.3 million live in Third World conditions of absolute poverty.[4] It has the highest youth poverty rate in the Organization for Economic Cooperation and Development (OECD), and the highest infant mortality rates among comparable OECD States. Its citizens live shorter and sicker lives compared to those living in all other rich democracies, eradicable tropical diseases are increasingly prevalent, and it has the world's highest incarceration rate, one of

[1] The Special Rapporteur is grateful for the superb research and analysis undertaken by Christiaan van Veen, Anna Bulman, Ria Singh Sawhney and staff of the United Nations Office of the High Commissioner for Human Rights.

[2] Submissions available at www.ohchr.org/EN/Issues/Poverty/Pages/Callforinput.aspx.

[3] See, for example: Kathryn J. Edin and H. Luke Shaefer, *$2.00 a Day: Living on Almost Nothing in America* (New York, Mariner Books, 2016); Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York, Crown Publishers, 2016); Sasha Abramsky, *The American Way of Poverty: How the Other Half Still Lives* (New York, Nation Books, 2013); and Peter Edelman, *Not a Crime to Be Poor: The Criminalization of Poverty in America* (The New Press, New York, 2017).

[4] Jessica L. Semega, Kayla R. Fontenot and Melissa A. Kollar, *Income and Poverty in the United States: 2016 — Current Population Reports* (United States Census Bureau, September 2017), pp. 12 and 17. Available at www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf. See also Angus Deaton, "The U.S. can no longer hide from its deep poverty problem", *New York Times*, 24 January 2018.

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707306 Date: 05/16/2019
STATE-18-0379-A-000037

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the lowest levels of voter registrations in among OECD countries and the highest obesity levels in the developed world.

5. The United States has the highest rate of income inequality among Western countries.[5] The $1.5 trillion in tax cuts in December 2017 overwhelmingly benefited the wealthy and worsened inequality. The consequences of neglecting poverty and promoting inequality are clear. The United States has one of the highest poverty and inequality levels among the OECD countries, and the Stanford Center on Inequality and Poverty ranks it 18th out of 21 wealthy countries in terms of labour markets, poverty rates, safety nets, wealth inequality and economic mobility. But in 2018 the United States had over 25 per cent of the world's 2,208 billionaires.[6] There is thus a dramatic contrast between the immense wealth of the few and the squalor and deprivation in which vast numbers of Americans exist. For almost five decades the overall policy response has been neglectful at best, but the policies pursued over the past year seem deliberately designed to remove basic protections from the poorest, punish those who are not in employment and make even basic health care into a privilege to be earned rather than a right of citizenship.

6. The visit of the Special Rapporteur coincided with the dramatic change of direction in relevant United States policies. The new policies: (a) provide unprecedentedly high tax breaks and financial windfalls to the very wealthy and the largest corporations; (b) pay for these partly by reducing welfare benefits for the poor; (c) undertake a radical programme of financial, environmental, health and safety deregulation that eliminates protections mainly benefiting the middle classes and the poor; (d) seek to add over 20 million poor and middle class persons to the ranks of those without health insurance; (e) restrict eligibility for many welfare benefits while increasing the obstacles required to be overcome by those eligible; (f) dramatically increase spending on defence, while rejecting requested improvements in key veterans' benefits; (g) do not provide adequate additional funding to address an opioid crisis that is decimating parts of the country; and (h) make no effort to tackle the structural racism that keeps a large percentage of non-Whites[7] in poverty and near poverty.

7. In a 2017 report, the International Monetary Fund (IMF) captured the situation even before the impact of these aggressively regressive redistributive policies had been felt, stating that the United States economy "is delivering better living standards for only the few", and that "household incomes are stagnating for a large share of the population, job opportunities are deteriorating, prospects for upward mobility are waning, and economic gains are increasingly accruing to those that are already wealthy".[8]

8. The share of the top 1 per cent of the population in the United States has grown steadily in recent years. In 2016 they owned 38.6 per cent of total wealth. In relation to both wealth and income the share of the bottom 90 per cent has fallen in most of the past 25 years.[9] The tax reform will worsen this situation and ensure that the United States remains the most unequal society in the developed world. The planned dramatic cuts in welfare will essentially shred crucial dimensions of a safety net that is already full of holes. Since economic and political power reinforce one another, the political system will be even more vulnerable to capture by wealthy elites.

9. This situation bodes ill not only for the poor and middle class in America, but for society as a whole, with high poverty levels "creating disparities in the education system, hampering human capital formation and eating into future productivity".[10] There are also

[5] World Income Inequality Database, available at www.wider.unu.edu/project/wiid-world-income-inequality-database.

[6] See www.forbes.com/sites/forbespr/2018/03/06/forbes-32nd-annual-worlds-billionaires-issue/#43e9e95a10e0.

[7] In the present report, references to race or ethnicity include the following classifications used by the United States Census Bureau: American Indian or Alaska Native, Asian, Black and White (see www.census.gov/topics/population/race/about.html).

[8] IMF, "United States: staff report for the 2017 Article IV Consultation", para. 14.

[9] Jesse Bricker and others, "Changes in U.S. family finances from 2013 to 2016: evidence from the Survey of Consumer Finances", *Federal Reserve Bulletin* (September 2017), vol. 103, No. 3, p. 10.

[10] IMF, "United States: staff report", para. 18.

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global consequences. The tax cuts will fuel a global race to the bottom, thus further reducing the revenues needed by Governments to ensure basic social protection and meet their human rights obligations. And the United States remains a model whose policies other countries seek to emulate.

10. Defenders of the status quo point to the United States as the land of opportunity and the place where the American dream can come true because the poorest can aspire to the ranks of the richest. But today's reality is very different. The United States now has one of the lowest rates of intergenerational social mobility of any of the rich countries.[11] Zip codes, which are usually reliable proxies for race and wealth, are tragically reliable predictors of a child's future employment and income prospects. High child and youth poverty rates perpetuate the intergenerational transmission of poverty very effectively, and ensure that the American dream is rapidly becoming the American illusion. The equality of opportunity, which is so prized in theory, is in practice a myth, especially for minorities and women, but also for many middle-class White workers.

11. New technologies now play a central role in either exacerbating or reducing poverty levels in the United States. Some commentators are singularly optimistic in this regard and highlight the many potential benefits of new technologies, including those based on artificial intelligence, for poverty reduction efforts in fields as diverse as health care, transportation, the environment, criminal justice, and economic inclusion.[12] Others acknowledge the downsides, and especially the potential negative effects of automation and robotization on future employment levels and job security.[13] But remarkably little attention has been given to the specific impact of these new technologies on the lives of the poor in American society today.[14] Such inquiries have significance well beyond that pertaining to the poor, since experience shows that those in poverty are often a testing ground for practices and policies subsequently applied more broadly. In the present report, the Special Rapporteur seeks to stimulate deeper reflection on the impact of new technologies on the human rights of the poorest.

III. Human rights dimension

12. Successive administrations, including the current one, have determinedly rejected the idea that economic and social rights are full-fledged human rights, despite their clear recognition not only in key treaties that the United States has ratified, such as the Convention on the Elimination of All Forms of Racial Discrimination, but also in the Universal Declaration of Human Rights, which the United States has long insisted other countries must respect. But denial does not eliminate responsibility, nor does it negate obligations. International human rights law recognizes a right to education, a right to health care, a right to social protection for those in need and a right to an adequate standard of living. In practice, the United States is alone among developed countries in insisting that, while human rights are of fundamental importance, they do not include rights that guard against dying of hunger, dying from a lack of access to affordable health care or growing up in a context of total deprivation. Since the United States has refused to accord domestic recognition to the economic and social rights agreed by most other States in the

[11] Raj Chetty and others, "The fading American dream: trends in absolute income mobility since 1940", National Bureau of Economic Research Working Paper 22910 (December 2016), p. 2. See also Jonathan Davis and Bhashkar Mazumder, "The decline in intergenerational mobility after 1980", Opportunity & Inclusive Growth Institute working paper (29 March 2017), available at www.minneapolisfed.org/institute/working-papers/17-21.pdf.

[12] Executive Office of the President, National Science and Technology Council Committee on Technology, "Preparing for the future of artificial intelligence" (October 2016), p. 1. See also Elisabeth A. Mason, "A.I. and big data could power a new war on poverty", *New York Times*, 1 January 2018.

[13] Charles Varner, Marybeth Mattingly and David Grusky, "The facts behind the visions", *Pathways* (Spring 2017), p. 4.

[14] Cathy O'Neil, "The ivory tower can't keep ignoring tech", *New York Times*, 14 November 2017.

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International Covenant on Economic, Social and Cultural Rights and other treaties,[15] except for the recognition of some social rights, and especially the right to education, in state constitutions, the primary focus of the present report is on those civil and political rights reflected in the United States Bill of Rights and in the International Covenant on Civil and Political Rights, which the United States has ratified.

IV. Who are "the poor"?

13. In thinking about poverty, it is striking how much weight is given to caricatured narratives about the purported innate differences between rich and poor that are consistently peddled by some politicians and media. The rich are industrious, entrepreneurial, patriotic and the drivers of economic success. The poor are wasters, losers and scammers. As a result, money spent on welfare is money down the drain. If the poor really want to make it in the United States, they can easily do so: they really can achieve the American dream if only they work hard enough. The reality, however, is very different. Many of the wealthiest citizens do not pay taxes at the rates that others do, hoard much of their wealth offshore and often make their profits purely from speculation rather than contributing to the overall wealth of the American community.

14. In imagining the poor, racist stereotypes are usually not far beneath the surface. The poor are overwhelmingly assumed to be people of colour, whether African Americans or Hispanic "immigrants". The reality is that there are 8 million more poor Whites than there are poor Blacks.[16] The face of poverty in America is not only Black or Hispanic, but also White, Asian and many other backgrounds.

15. Similarly, large numbers of welfare recipients are assumed to be living high on "the dole". Some politicians and political appointees with whom the Special Rapporteur spoke were completely sold on the narrative of such scammers sitting on comfortable sofas, watching cable television or spending their days on their smartphones, all paid for by welfare. The Special Rapporteur wonders how many of those politicians have ever visited poor areas, let alone spoken to those who dwell there. There are anecdotes aplenty, but little evidence. In every society, there are those who abuse the system, as much in the upper income levels as in the lower. But in reality, the poor are overwhelmingly those born into poverty, or those thrust there by circumstances largely beyond their control, such as physical or mental disabilities, divorce, family breakdown, illness, old age, unliveable wages or discrimination in the job market.

V. Current extent of poverty in the United States of America

16. There is considerable debate over the extent of poverty in the United States, but the present report relies principally upon official government statistics, especially from the United States Census Bureau. It defines and quantifies poverty in America based on "poverty thresholds" or official poverty measures, updated each year. These thresholds have been used since President Lyndon B. Johnson's war on poverty in the 1960s and use a set of dollar value thresholds that vary by family size and composition to determine who is in poverty.[17] Following much criticism of the official poverty measures, the Census Bureau developed a supplemental poverty measure, which is preferred by many experts.[18] According to the official poverty measures, in 2016, 12.7 per cent of Americans were living in poverty;[19] according to the supplemental poverty measure, the figure was 14 per cent.[20]

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[15] The United States is the only country in the world that has not ratified the Convention on the Rights of the Child, which protects the economic and social rights of children.

[16] Semega, Fontenot and Kollar, *Income and Poverty*, p. 12.

[17] Ibid., p. 43.

[18] Written submission by the Georgetown Center on Poverty and Inequality, 4 October 2017, p. 2.

[19] Semega, Fontenot and Kollar, *Income and Poverty*, p. 12.

[20] Liana Fox, "The supplemental poverty measure" (September 2017), p. 1. Available at www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf.

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VI. Problems with existing governmental policies

17. There is no magic recipe for eliminating extreme poverty, and each level of government must make its own good-faith decisions. At the end of the day, however, particularly in a rich country like the United States, the persistence of extreme poverty is a political choice made by those in power. With political will, it could readily be eliminated. What is known, from long experience and in the light of the Government's human rights obligations, is that there are indispensable ingredients for a set of policies designed to eliminate poverty. They include: democratic decision-making, full employment policies, social protection for the vulnerable, a fair and effective justice system, gender and racial equality, respect for human dignity, responsible fiscal policies and environmental justice. As shown below, the United States falls well short on each of these measures.

A. Undermining of democracy

18. The cornerstone of American society is democracy, but it is being steadily undermined, and with it the human right to political participation protected in article 25 of the International Covenant on Civil and Political Rights. The principle of one person, one vote applies in theory, but is increasingly far from the reality.

19. In a democracy, the task of government should be to facilitate political participation by ensuring that all citizens can vote and that their votes will count equally. However, in the United States there is overt disenfranchisement of more than 6 million felons and ex-felons,[21] which predominantly affects Black citizens since they are the ones whose conduct is often specifically targeted for criminalization. In addition, nine states currently condition the restoration of the right to vote after prison on the payment of outstanding fines and fees. A typical outcome is that seen in Alabama, where a majority of all ex-felons cannot vote.[22]

20. Then there is covert disenfranchisement, which includes the dramatic gerrymandering of electoral districts to privilege particular groups of voters, the imposition of artificial and unnecessary voter identification requirements, the blatant manipulation of polling station locations, the relocation of Departments of Motor Vehicles' offices to make it more difficult for certain groups to obtain identification, and the general ramping up of obstacles to voting, especially for those without resources. The net result is that people living in poverty, minorities and other disfavoured groups are being systematically deprived of their right to vote.

21. It is thus unsurprising that the United States has one of the lowest turnout rates in elections among developed countries, with only 55.7 per cent of the voting-age population casting ballots in the 2016 presidential election.[23] Registered voters represent a much smaller share of potential voters in the United States than in just about any other OECD country. Only about 64 per cent of the United States voting-age population was registered in 2016, compared with 91 per cent in Canada and the United Kingdom of Great Britain and Northern Ireland, 96 per cent in Sweden and nearly 99 per cent in Japan. Low turnouts are also explained by the perception that election outcomes will have no impact on the lives of poor people. One politician remarked to the Special Rapporteur on how few campaign appearances most politicians bother to make in overwhelmingly poor districts, which reflects the broader absence of party representation for low-income and working-class voters.[24]

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[21] The Sentencing Project, "6 million lost voters: state-level estimates of felony disenfranchisement, 2016".

[22] Marc Meredith and Michael Morse, "Discretionary disenfranchisement: the case of legal financial obligations" (January 2017). Available at www.sas.upenn.edu/~marcmere/workingpapers/DiscretionaryLFOs.pdf.

[23] Pew Research Center, "U.S. trails most developed countries in voter turnout" (15 May 2017).

[24] See also Karen Long Jusko, *Who Speaks for the Poor? Electoral Geography, Party Entry, and Representation* (Cambridge University Press, 2017).

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22. The link between poverty and the absence of political rights is perfectly illustrated by Puerto Rico. If it were a state, it would be the poorest in the Union. But it is not a state, it is a mere "territory". Puerto Ricans who live on the island have no representative with full voting rights in Congress and cannot vote in presidential elections, although they can vote in Presidential primaries. In a country that likes to see itself as the oldest democracy in the world and a staunch defender of political rights on the international stage, more than 3 million people who live on the island have no real power in their own capital.

23. Puerto Rico has a fiscal deficit and a political rights deficit, and the two are not easily disentangled. The Special Rapporteur met with the Executive Director of the Financial Oversight and Management Board that was imposed by Congress in 2016 on Puerto Rico as part of the Puerto Rico Oversight, Management, and Economic Stability Act. There is little indication that social protection concerns feature in a meaningful way in the Board's analyses. At a time when even the IMF is insisting that social protection should be explicitly factored into prescriptions for fiscal adjustment (i.e., austerity), the Board should take account of human rights and social protection concerns as it contemplates far-reaching decisions on welfare reform, minimum wage and labour market deregulation.

24. It is not for the Special Rapporteur to suggest any resolution to the hotly contested issue of the constitutional status of Puerto Rico. Many interlocutors, however, made clear the widespread feeling that Puerto Ricans consider their territory to be colonized and that the United States Congress is happy to leave them in a limbo in which they have neither meaningful Congressional representation nor the ability to govern themselves. In the light of recent Supreme Court jurisprudence and Congress's adoption of the Puerto Rico Oversight, Management, and Economic Stability Act there seems to be good reason for the Special Political and Decolonization Committee of the United Nations to conclude that the island is no longer a self-governing territory.

B. Shortcomings in basic social protection

25. It is sometimes argued that President Johnson's war on poverty has failed miserably because, despite the "trillions of taxpayer dollars" spent on welfare programmes over the past five decades, the official poverty rate has remained largely unchanged.[25] The proposed solution then is to downsize the safety net by making it more "efficient", "targeted" and "evidence-based", while underlining the need to move "from welfare to work".[26]

26. These ideas underpin both Speaker Paul Ryan's blueprint for welfare reform[27] and the budget proposed by President Donald Trump for the fiscal year 2019, which decries "stubbornly high" enrolment in welfare programmes, and describes millions of Americans as being "in a tragic state of dependency on a welfare system that does not reward work, and in many cases, pays people not to work".[28]

27. The available evidence, however, points in a very different direction. A 2014 White House report concluded that the war on poverty had been highly successful.[29] Based on the supplemental poverty measure, poverty rates in the United States fell from 26 per cent in 1967 to 16 per cent in 2012 — a decline of nearly 40 per cent.[30] The Census Bureau calculates that programmes such as Social Security, refundable tax credits (earned income tax credit), the Supplemental Nutrition Assistance Program, the Supplemental Security

[25] See, for example, Task Force on Poverty, Opportunity, and Upward Mobility, *A Better Way: Our Vision for a Confident America* (June, 2016).

[26] Ibid.

[27] David Morgan, "Speaker Ryan pledges to work with Trump on bold agenda", *Reuters*, 9 November 2016.

[28] Office of Management and Budget, *Efficient, Effective, Accountable: An American Budget* (2018), p. 3.

[29] Council of Economic Advisors, *The War on Poverty 50 Years Later: A Progress Report* (2014), p. 45.

[30] Christopher T. Wimer and others, "Trends in poverty with an anchored supplemental poverty measure", Colombia Population Research Center working paper (2013).

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Income programme and housing subsidies collectively prevented about 44 million Americans from falling into poverty in 2016.[31]

28. The following sections address shortcomings in both the existing social protection system for the poorest Americans and in the assumptions underlying the administration's policy responses.

An illusory emphasis on employment

29. Proposals to slash the meagre welfare arrangements that currently exist are now sought to be justified primarily on the basis that the poor need to leave welfare and go to work. The assumption, especially in a thriving economy, is that there are a great many jobs out there waiting to be filled by individuals with low educational qualifications, often with disabilities of one kind or another, sometimes burdened with a criminal record (often poverty related), without meaningful access to health care, and with no training or effective assistance to obtain employment. It also assumes that the jobs they could get will make them independent of state assistance.

30. In reality, the job market for such people is extraordinarily limited, and even more so for those without basic forms of social protection and support. The case of Walmart, the largest employer in the United States, is instructive. Many of its workers cannot survive on a full-time wage in the absence of food stamps. This fits in a broader trend: the share of households that, while having earnings, also receive nutrition assistance rose from 19.6 per cent in 1989 to 31.8 per cent in 2015.[32] Up to $6 billion annually goes from the Supplemental Nutrition Assistance Program and other public assistance programmes to support workers in firms like Walmart, providing a huge indirect subsidy to the relevant corporations.[33] Walmart lobbied heavily for tax reform,[34] from which it will save billions, and then announced it would spend an additional $700 million in increasing employee wages and benefits for its workers.[35] But the resulting rise in the debt of the United States, due in part to the tax reform,[36] has then been used to justify a proposed 30 per cent cut in Supplemental Nutrition Assistance Program funding over a decade.[37]

31. In terms of job availability, the reality is very different from that portrayed by the welfare-to-work proponents. Despite the strong economy, there has been a long-term decline in employment rates; by 2017, only 89 per cent of males aged 25 to 54 were employed.[38] While "supply" factors such as growing rates of disability, increasing geographic immobility and higher incarceration rates are relevant, a 2016 White House report concluded that reductions in labour supply were far less important than reductions in labour demand in accounting for the long-run trend.[39] In the future, new technologies, such as self-driving cars, 3D printers and robot-staffed factories and warehouses, may lead to a continuing decline in demand for low-skilled labour. Leading poverty experts have concluded that, because of this rising joblessness, the poverty population in the United States "is becoming a more deprived and destitute class, one that's disconnected from the economy and unable to meet basic needs".[40]

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[31] Fox, "The Supplemental Poverty Measure", p. 10.

[32] See www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=82672.

[33] Clare O'Connor, "Report: Walmart workers cost taxpayers $6.2 billion in public assistance", *Forbes*, 15 April 2014.

[34] Center for Responsive Politics, reporting on lobbying activity on tax issues in 2017. Available at www.opensecrets.org/lobby/issuesum.php?id=TAX&year=2017.

[35] Michael Corkery, "Walmart's bumpy day: from wage increase to store closings", *New York Times*, 11 January 2018.

[36] "Growing the deficit: the Senate passes a tax bill", *Economist*, 2 December 2017.

[37] Julie Hirschfeld Davis, "White House proposes $4.4 trillion budget that adds $7 trillion to deficits," *New York Times*, 12 February 2018.

[38] Varner, Mattingly and Grusky, "The facts", p. 4.

[39] Council of Economic Advisers, "The long-term decline in prime-age male labor force participation" (2016).

[40] Varner, Mattingly and Grusky, "The facts", p. 4.

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32. Earlier experiments with welfare reform, particularly the Clinton-era replacement of Aid to Families with Dependent Children with the Temporary Assistance for Needy Families programme, should caution present-day proponents of "welfare to work". The impact of the 1996 welfare reform on poor, single mothers has been especially dramatic. Many took low-wage jobs after the reform and "the increase in their earnings was often cancelled out by their loss of welfare benefits, leaving their overall income relatively unchanged".[41] The situation of single mothers who could not find work deteriorated.[42] As a result, there was a 748 (!) per cent increase in the number of children of single-mother families experiencing annual $2-a-day poverty between 1995 and 2012.[43]

Use of fraud as a smokescreen

33. Calls for welfare reform take place against a constant drumbeat of allegations of widespread fraud in the system. Government officials warned the Special Rapporteur that individuals are constantly coming up with new schemes to live high on the welfare hog, and that individual states are gaming the welfare system to cheat the federal Government. The contrast with tax reform is instructive. In the tax context, immense faith is placed in the goodwill and altruism of the corporate beneficiaries, while with welfare reform the opposite assumptions apply. The reality, of course, is that there are good and bad corporate actors and there are good and bad welfare claimants. But while funding for the Internal Revenue Service to audit wealthy taxpayers has been reduced, efforts to identify welfare fraud are being greatly intensified.[44] Revelations of widespread tax avoidance by companies and high-wealth individuals draw no rebuke, only acquiescence and the maintenance of the loopholes and other arrangements designed to facilitate such arrangements. But revelations of food stamps being used for purposes other than staying alive draw howls of outrage from government officials and their media supporters.

34. Yet, despite repeated requests to officials for statistics on welfare fraud, the Special Rapporteur has received little convincing evidence. The Government collects data on "improper payments" made by federal departments and agencies, but this is a much broader concept than fraud. A 2016 Government Accountability Office report showed an error rate in 2015 of 3.66 per cent for the Supplemental Nutrition Assistance Program and 4.01 per cent for public housing and rental assistance. By contrast, the error rate for travel pay by the Department of Defense was 8 per cent.[45]

35. The percentage of Supplemental Nutrition Assistance Program benefit dollars issued to ineligible households or to eligible households in excessive amounts was as low as 2.96 per cent in 2014.[46] According to the Center on Budget and Policy Priorities, the overwhelming majority of those errors result from mistakes by different parties, rather than from dishonesty or fraud by recipients.[47] Almost 60 per cent of the dollar value of overpayments by states resulted from mistakes by the government, rather than recipients.[48] In 2015, 55 per cent of 723,111 investigations found no fraud.[49]

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[41] Robert A. Moffitt and Stephanie Garlow, "Did welfare reform increase employment and reduce poverty?" *Pathways* (Winter, 2018), p. 19.

[42] Ibid.

[43] H. Luke Shaefer and Kathryn Edin, "Welfare reform and the families it left behind", *Pathways* (Winter, 2018), p. 24.

[44] Arthur Delaney, "Rich fraud, poor fraud: the GOP's double standard on tax mistakes", *Huffington Post*, 14 December 2017.

[45] United States Government Accountability Office, report to Congressional committees on improper payments (June 2016), appendix III.

[46] See https://fns-prod.azureedge.net/sites/default/files/snap/2014-rates.pdf. See also Center on Budget and Policy Priorities, "SNAP: combating fraud and improving program integrity without weakening success", 9 June 2016, p. 10. Available at www.cbpp.org/sites/default/files/atoms/files/6-9-16fa-testimony.pdf.

[47] Center on Budget and Policy Priorities, "SNAP: combating fraud", p. 11.

[48] Ibid.

[49] See https://fns-prod.azureedge.net/sites/default/files/snap/2015-State-Activity-Report.pdf.

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36. Fraud rhetoric is commonly used against persons with disabilities, large numbers of whom allegedly receive disability allowances when they could actually be working full time. When the Special Rapporteur probed into the reasons for the very high rates of persons with disabilities in West Virginia receiving benefits, government officials explained that most recipients had attained low levels of education, worked in demanding manual labour jobs and were often exposed to risks that employers were not required to guard against.

Social protection for children

37. Appropriate cognitive and socio-emotional stimulation, adequate nutrition and health care, and stable and secure environments early in life are all essential ingredients in maximizing children's potential and achieving optimal life outcomes. Empirical evidence suggests strong correlations between early childhood poverty and adverse life outcomes, particularly those related to achievement skills and cognitive development.

38. From this perspective, the shockingly high number of children living in poverty in the United States demands urgent attention. In 2016, 18 per cent of children (13.3 million) were living in poverty, and children comprised 32.6 per cent of all people in poverty.[50] About 20 per cent of children live in relative income poverty, compared to the OECD average of 13 per cent.[51] Contrary to stereotypical assumptions, 31 per cent of poor children are White, 24 per cent are Black, 36 per cent are Hispanic and 1 per cent are indigenous.[52] This is consistent with the fact that the United States ranks 25th out of 29 industrialized nations in investing in early childhood education.[53]

39. Poor children are also significantly affected by the country's crises regarding affordable and adequate housing. On a given night in 2017, about 21 per cent (or 114,829) of homeless individuals were children.[54] But this official figure may be a severe underestimate, since homeless children temporarily staying with friends, family or in motels are excluded from the point-in-time count.[55] According to the Department of Education, the number of homeless students identified as experiencing homelessness at some point during the 2015/16 school year was 1,304,803.[56]

40. The infant mortality rate, at 5.8 deaths per 1,000 live births, is almost 50 per cent higher than the OECD average of 3.9.[57] On a positive note, the United States has increased health insurance coverage for children through the expansion of Medicaid and the Children's Health Insurance Program, bringing child health insurance rates to a historic high of 95 per cent.[58] These achievements are, however, under threat, as discussed below.

41. In addition, the Supplemental Nutrition Assistance Program kept 3.8 million children out of poverty in 2015,[59] and in 2016, the earned income tax credit and the child tax credit lifted a further 4.7 million children out of poverty.[60] By contrast, the reach and

[50] Semega, Fontenot and Kollar, *Income and Poverty*, p. 14.

[51] OECD, "How does United States compare on child well-being?" (November 2017).

[52] Heather Koball and Yang Jiang, "Basic facts about low-income children: children under 18 years, 2016" (National Center for Children in Poverty, January 2018).

[53] Robert Wood Johnston Foundation, "Can early childhood interventions improve health and well-being?" (March 2016).

[54] United States, Department of Housing and Urban Development, *The 2017 Annual Homeless Assessment Report (AHAR) to Congress, Part 1: Point-in-time estimates of Homelessness*, p. 8.

[55] Madeline Daniels, "Housing Department's count of homeless children and youth problematic", 19 November 2015. Available from https://campaignforchildren.org/news/press-release/housing-departth-problematic/.

[56] National Center for Homeless Education, *Federal Data Summary: School Years 2013–14 to 2015–16*, p. iii.

[57] OECD, "How does United States compare".

[58] Joan Alker and Alisa Chester, "Children's health coverage rate now at historic high of 95 percent" (Georgetown University Health Policy Institute, October 2016).

[59] Center on Budget and Policy Priorities, "Policy basics: the Supplemental Nutrition Assistance Program (SNAP)" (February 2018).

[60] Center on Budget and Policy Priorities, "Policy basics: the child tax credit" (October 2017).

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impact of the Temporary Assistance for Needy Families programme has been very limited. In 2016, only 23 per cent of families in poverty received cash assistance from that programme, and the figure is less than 10 per cent in a growing number of states.[61]

Adult dental care

42. The Affordable Care Act greatly expanded the availability of dental care to children, but not for adults. Some 49 million Americans live in federally designated "dental professional shortage areas" and Medicare (the programme for the aged and those with disabilities) does not cover routine dental care.[62] The only access to dental care for the uninsured is through the emergency room, where excruciating pain can lead to an extraction. Even for those with coverage, access is not guaranteed, as only a minority of dentists see Medicaid patients.[63] Poor oral hygiene and disfiguring dental profiles lead to unemployability in many jobs, being shunned in the community and being left unable to function effectively. Yet there is no universal programme to address those issues, which fundamentally affect the human dignity and ultimately the civil rights of the persons concerned.

C. Reliance on criminalization to conceal the underlying poverty problem

Criminalization of the homeless

43. The official point-in-time estimates of homelessness in 2017 show a nationwide figure of 553,742, including 76,501 in New York, 55,188 in Los Angeles and 6,858 in San Francisco.[64] There is ample evidence that these figures significantly underestimate the actual scale of the problem.

44. In many cities, homeless persons are effectively criminalized for the situation in which they find themselves. Sleeping rough, sitting in public places, panhandling, public urination and myriad other offences have been devised to attack the "blight" of homelessness. The criminalization of homeless individuals in cities that provide almost zero public toilets seems particularly callous. In June 2017, it was reported that the approximately 1,800 homeless individuals on Skid Row in Los Angeles had access to only nine public toilets.[65] Los Angeles failed to meet even the minimum standards the United Nations High Commissioner for Refugees sets for refugee camps in the Syrian Arab Republic and other emergency situations.[66]

45. Ever more demanding and intrusive regulations lead to infraction notices for the homeless, which rapidly turn into misdemeanours, leading to warrants, incarceration, unpayable fines and the stigma of a criminal conviction that in turn virtually prevents subsequent employment and access to most housing. Yet the authorities in cities such as Los Angeles and San Francisco often encourage this vicious circle. On Skid Row in Los Angeles, 14,000 homeless persons were arrested in 2016 alone, an increase of 31 per cent over 2011, while overall arrests in the city decreased by 15 per cent.[67] Citizens and local authorities, rather than treating homeless persons as affronts to their sensibilities and neighbourhoods, should see in their presence a tragic indictment of community and government policies. Homelessness on this scale is far from inevitable and reflects political choices to see the solution as law enforcement rather than adequate and accessible low-cost

[61] Center on Budget and Policy Priorities, "TANF reaching few poor families" (December 2017).

[62] Mary Otto, *Teeth: The Story of Beauty, Inequality, and the Struggle for Oral Health in America* (New York, The New Press, 2017), p. vii.

[63] Ibid., pp. 37, 120 and 171.

[64] United States, Department of Housing and Urban Development, *The 2017 Annual Homeless Assessment Report*.

[65] Alastair Gee, "At night on Skid Row, nearly 2,000 homeless people share just nine toilets", *The Guardian*, 30 June 2017.

[66] See https://emergency.unhcr.org/entry/33015/emergency-sanitation-standard.

[67] Gale Holland and Christine Zhang, "Huge increase in arrests of homeless in L.A. – but mostly for minor offenses", *Los Angeles Times*, 4 February 2018.

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housing, medical treatment, psychological counselling and job training.[68] The Right to Rest Act introduced in California, Colorado and Oregon is an example of the type of legislative approach needed to shift from the criminal justice response to a human rights-centred response to homelessness.

46. As the Special Rapporteur explained in more detail in his 15 December 2017 statement,[69] coordinated entry systems to match housing supply for the homeless to demand have been introduced in Los Angeles, San Francisco and elsewhere. These are premised partly on the idea that homelessness is a data problem and that new information technologies are key to solving it.[70] But despite the good intentions behind them, including the reduction of duplication and fragmentation in service delivery, coordinated entry systems simply replicate many problems associated with existing policy responses. They contribute to the process of criminalization by requiring the homeless to take part in an intrusive survey that makes many feel they "are giving up their human right to privacy in return for their human right to housing".[71] Many participants fear that police forces have access to data collected from the homeless; it could be concluded from conversations between the Special Rapporteur and officials and experts that this fear may well be justified. The introduction of coordinated entry systems has also been criticized for being costly and diverting resources and attention away from the key problem, which is the lack of available housing for those in need.[72] New information technology-based solutions, such as coordinated entry systems, might bring improved reliability and objectivity, but the vulnerability scores they produce have been challenged for their randomness.[73]

Treatment of the poor in the criminal justice system

47. In many cities and counties, the criminal justice system is effectively a system for keeping the poor in poverty while generating revenue to fund not only the justice system but many other programmes. The use of the legal system to raise revenue, not to promote justice, as was documented so powerfully in a 2015 report on Ferguson, Missouri by the Department of Justice,[74] is pervasive around the country.

48. So-called fines and fees are piled up so that low level infractions become immensely burdensome, a process that affects only the poorest members of society, who pay the vast majority of such penalties. Driving licences are also commonly suspended for a wide range of non-driving related offences, such as a failure to pay fines.[75] This is a perfect way to ensure that the poor, living in communities that have steadfastly refused to invest in serious public transport systems, are unable to earn a living that might have helped to pay the outstanding debt. Two paths are open: penury, or driving illegally, thus risking even more serious and counterproductive criminalization.

49. Another practice that affects the poor almost exclusively is that of setting large bail bonds for a defendant who seeks to go free pending trial. Some 11 million people are admitted to local jails annually, and on any given day more than 730,000 people are being held, of whom almost two thirds are awaiting trial, and thus presumed to be innocent. Yet judges have increasingly set large bail amounts, which means that wealthy defendants can

[68] See, for example, Gary Blasi and Phillip Mangano, "Stop punishing and start helping L.A.'s homeless", *Los Angeles Times*, 30 June 2015.

[69] See paras. 54–61. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E.

[70] See, for example, City of Los Angeles, Comprehensive Homeless Strategy (2016), p. 49.

[71] Statement made during a civil society consultation, San Francisco, 6 December 2017.

[72] A recent publication estimated that in Los Angeles alone the coordinated entry system had cost about $11 million since its introduction, including only the cost of technical resources, software and extra personnel, not the cost of providing actual housing or services. (Virginia Eubanks, *Automating Inequality* (New York, St. Martin's Press, 2018), p. 113.

[73] Ibid., chap. 3.

[74] See www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

[75] See, for example, Lawyers' Committee for Civil Rights of the San Francisco Bay Area and others, "Not just a Ferguson problem: how traffic courts drive inequality in California" (2015).

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secure their freedom while poor defendants are likely to stay in jail, with severe consequences such as loss of jobs, disruption of childcare, inability to pay rent and deeper destitution.

50. A major movement to eliminate bail bonds is gathering steam across the United States, and needs to be embraced by anyone concerned about the utterly disproportionate negative impact of the justice system upon the poor. The purpose of the reform is to link pretrial detention to risk rather than wealth. A growing number of jurisdictions are adopting risk assessment tools to assist in pretrial release and custody decisions. This is a positive development, but the widespread use of risk assessment tools also raises human rights concerns.

51. The fear is that highly political questions about the level of risk that society considers acceptable are hidden behind the veneer of technical design choices, that obscure algorithms disproportionally identify poor defendants as "high risk" by replicating the biased assumptions of previous human decision makers,[76] and that private contractors who develop risk assessment tools will refuse to divulge their content on the grounds that the information is proprietary, which leads to serious due process concerns affecting the civil rights of the poor in the criminal justice system.[77]

52. Solutions to major social challenges in the United States are increasingly seen to lie with privatization, especially in the criminal justice system. Bail bond corporations, which exist in only one other country in the world, precisely because they distort justice, encourage excessive and often unnecessary levels of bail, and lobby for the maintenance of a system that by definition penalizes the middle class and the poor.[78]

53. In some states, minor offences are routinely punished by placing the offender on probation, overseen by a for-profit corporation, entirely at the expense of the usually poor offender. Those who cannot pay are subject to additional fees, supervision and testing.[79] Similarly, in 26 states judges issue arrest warrants for alleged debtors at the request of private debt collectors, thus violating the law and human rights standards. The practice affects primarily the poor by subjecting them to court appearances, arrest warrants that appear on background checks, and jail time, which interfere with their wages, their jobs, their ability to find housing and more.[80]

D. Persistent discrimination and poverty

Race

54. The United States remains a chronically segregated society. Blacks are 2.5 times more likely than Whites to be living in poverty, their infant mortality rate is 2.3 times that of Whites, their unemployment rate is more than double that for Whites, they typically earn only 82.5 cents for every dollar earned by a White counterpart, their household earnings are on average well under two thirds of those of their White equivalents, and their incarceration rates are 6.4 times higher than those of Whites.[81] These shameful statistics can only be

[76] Written submission to the Special Rapporteur from Edward W. Felten and Bendert Zevenbergen, Princeton University.

[77] AI Now, "AI Now 2017 report".

[78] See, for example, www.hrw.org/report/2018/02/20/set-fail/impact-offender-funded-private-probation-poor.

[79] Human Rights Watch, *"Set up to Fail": The Impact of Offender-Funded Private Probation on the Poor* (2018).

[80] American Civil Liberties Union, "First-ever national report on widespread court practices that coerce payments from people in debt without due process", February 2018. See also American Civil Liberties Union, A Pound of Flesh: The Criminalization of Private Debt (2018).

[81] Economic Policy Institute, "50 years after the Kerner Commission" (26 February 2018). See also Fred Harris and Alan Curtis (eds.), *Healing Our Divided Society* (Temple University Press, 2018).

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explained by long-standing structural discrimination on the basis of race, reflecting the enduring legacy of slavery.[82]

55. Ironically, politicians and mainstream media portrayals distort this situation in order to suggest that poverty in America is overwhelmingly Black, thereby triggering a range of racist responses and encouraging Whites to see poverty as a question of race. Too often the loaded and inaccurate message that parts of the media want to convey is "lazy Blacks sponge off hard-working Whites".

Gender

56. Women often experience the burdens of poverty in particularly harsh ways. Poor pregnant women who seek Medicaid prenatal care are subjected to interrogations of a highly sensitive and personal nature, effectively surrendering their privacy rights.[83] Low-income women who would like to exercise their constitutional, privacy-derived right to access abortion services face legal and practical obstacles, such as mandatory waiting periods and long driving distances to clinics. This lack of access to abortion services traps many women in cycles of poverty.[84] When a child is born to a woman living in poverty, that woman is more likely to be investigated by the child welfare system and have her child taken away from her.[85] Poverty is frequently treated as a form of "child neglect" and thus as cause to remove a child from the home,[86] a risk exacerbated by the fact that some states do not provide legal aid in child welfare proceedings.[87]

57. Racial discrimination makes matters even worse for many poor women. Black women with cervical cancer — a disease that can easily be prevented or cured — have lower survival rates than White women, due to later diagnosis and treatment differences,[88] owing to a lack of health insurance and regular access to health care. The United States has the highest maternal mortality ratio among wealthy countries, and black women are three to four times more likely to die than White women. In one city, the rate for Blacks was 12 times higher than that for Whites.[89]

58. In rural areas, women face significantly higher poverty rates, as well as related child poverty.[90] In economically depressed areas of the Midwest, rural Appalachia and the deep south unemployment is high and essential services, such as childcare, health care and grocery stores, are unavailable or difficult to access.[91] A lack of adequate public transport means that families are unable to access decent supermarkets and instead rely predominantly on expensive and poorly stocked local stores. In general, poor women and

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[82] Center for American Progress, "Systematic inequality: how America's structural racism helped create the black-white wealth gap" (2018). See also Tommie Shelby, *Dark Ghettos: Injustice, Dissent and Reform* (Belknap Press, 2016).

[83] Khiara M. Bridges, *The Poverty of Privacy Rights* (Stanford University Press, 2017).

[84] Diana Greene Foster and others, "Socioeconomic outcomes of women who receive and women who are denied wanted abortions in the United States", *American Journal of Public Health*, vol. 108, No. 3 (March 2018), p. 407.

[85] Written submissions to the Special Rapporteur from National Advocates for Pregnant Women and the Center for Reproductive Rights.

[86] Maren K. Dale, "Addressing the underlying issue of poverty in child-neglect cases" (10 April 2014). Available at www.americanbar.org/aba.html.

[87] Written submission to the Special Rapporteur from National Advocates for Pregnant Women.

[88] Wonsuk Yoo and others, "Recent trends in racial and regional disparities in cervical cancer incidence and mortality in United States", *PLOS ONE*, vol. 12, No. 2 (February 2017).

[89] New York City Department of Health and Mental Hygiene, *Pregnancy-Associated Mortality: New York City, 2006–2010*. Available from www1.nyc.gov/assets/doh/downloads/pdf/ms/pregnancy-associated-mortality-report.pdf.

[90] See, for example, Southern Rural Black Women's Initiative for Economic and Social Justice, *Unequal Lives: The State of Black Women and Families in the Rural South*, p. 6.

[91] Lisa R. Pruitt and Janet L. Wallace, "Judging parents, judging place: poverty, rurality and termination of parental rights", *Missouri Law Review*, vol. 77 (2011), p. 117.

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their children are more likely to be obese and suffer serious health issues and non-communicable diseases that hinder them for the rest of their lives.[92]

59. Female immigrants, who often suffer racial discrimination from employers and find it more difficult to get jobs, experience higher poverty rates and have much less access to social protection benefits than other women.[93] Undocumented women live a kind of half-life, in which they experience exploitation, abuse and wage theft, and are refused access to utilities such as water, but are unable to seek assistance or protection for fear of deportation.[94] While their undocumented status raises difficult legal and policy questions, their shadow existence as mothers of United States citizens and as domestic, sex or other workers undermines their ability to live a life in dignity. Even many permanent residents who have lived in the United States for less than five years are excluded from coverage under the Affordable Care Act[95] and assistance such as the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families programme and housing benefits.[96]

60. Lack of Internet connectivity in rural impoverished communities negatively affects access to social protection benefits, other government services and even employment.[97] In West Virginia, where an estimated 30 per cent of the population lack access to high speed broadband (compared to 10 per cent nationally) and 48 per cent of rural West Virginians lack such access (compared to 39 per cent of the rural population nationally), [98] the government has no serious plans to improve access.

Indigenous peoples

61. The Special Rapporteur heard testimonies from Chiefs and representatives of federally recognized and non-recognized tribes on widespread extreme poverty in their communities. Indigenous peoples, as a group, suffer disproportionately from multidimensional poverty and social exclusion. The 2016 poverty rate among American Indian and Alaska Native peoples was 26.2 per cent, the highest among all ethnic groups.[99] Indigenous peoples also have the highest unemployment rate of any ethnic group: 12 per cent in 2016, compared to the national average of 5.8 per cent.[100] One in four indigenous young people aged 16 to 24 are neither enrolled in school nor working.[101]

62. Disparities between indigenous and non-indigenous health status have long been recognized but not effectively addressed. American Indians and Alaska Natives face almost a 50 per cent higher death rate than do non-Hispanic White people, due to illnesses such as heart disease, cancer, chronic liver disease and diabetes.[102] Poverty, unemployment, social

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92 See, for example, Southern Rural Black Women's Initiative for Economic and Social Justice, *Unequal Lives*.

93 See www.migrationpolicy.org/article/immigrant-women-united-states#Poverty.

94 Written submission to the Special Rapporteur from the Miami Workers Center and others on the feminization of poverty in Miami; Azadeh Shahshahani and Kathryn Madison, "No papers? You can't have water: a critique of localities' denial of utilities to undocumented immigrants", *Emory International Law Review*, vol. 31, No. 4 (2017).

95 Samantha Artiga and Anthony Damico, Health Coverage and Care for Immigrants, issue brief (The Henry J. Kaiser Family Foundation, 2017).

96 See, for example, the submission from the Miami Workers Center and others, and Shahshahani and Madison, "No papers?".

97 See, for example, the written submission to the Special Rapporteur from Access Now. Broadband access is also seriously lacking in the South (Southern Rural Black Women's Initiative for Economic and Social Justice, *Unequal Lives*, p. 16).

98 West Virginia Center on Budget and Policy and American Friends Service Committee, *2016 State of Working West Virginia: Why is West Virginia so Poor?*, p. 55.

99 United States Census Bureau, "American Indian and Alaska Native Heritage — Month: November 2017". Available at www.census.gov/content/dam/Census/newsroom/facts-for-features/2017/cb17-ff20.pdf.

100 The Aspen Institute, *2017 State of Native Youth Report: Our Identities as Civic Power*, p. 33.

101 Ibid., p. 37.

102 David Espey and others, "Leading causes of death and all-cause mortality in American Indians and Alaska Natives", *American Journal of Public Health* (June 2014), vol. 104, No. S3.

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exclusion and loss of cultural identity also have significant mental health ramifications and often lead to a higher prevalence of substance abuse, domestic violence and alarmingly high suicide rates in indigenous communities, particularly among young people. Suicide is the second leading cause of death among American Indians and Alaska Natives aged between 10 and 34.[103]

63. In entering a "trust relationship" with the recognized tribes, the Government assumed duties to provide for economic and social programmes to ensure the welfare of the relevant indigenous groups.[104] But their very high poverty rates attest to the Government's failure in this respect. Chronic underfunding of the relevant federal government departments is a significant part of the problem.[105] The situation has also been compounded by paternalistic attitudes, [106] which run directly counter to the approach reflected in international human rights law and standards, particularly the United Nations Declaration on the Rights of Indigenous Peoples, which the Government endorsed in 2010.

64. The situation of non-federally recognized tribes is even more desperate, for they are not eligible to benefit from federally funded programmes. While 567 tribes are federally recognized, some 400 are not.[107] The latter exist in a context in which their way of life is not legally sanctioned, they are disempowered and their culture is threatened. Failure to collect disaggregated data for those tribes also hinders the development of evidence-based policies to address their situation.

E. Confused and counterproductive drug policies

65. The opioid crisis has devastated many communities, and the addiction to pain-control opioids often leads to heroin, methamphetamine and other substance abuse. Instead of responding with increased funding and improved access to vital care and support, the federal Government and many state governments have instead mounted concerted campaigns to reduce and restrict access to health care by the poorer members of the population.[108]

66. In terms of welfare, the main responses have been punitive. States increasingly seek to impose drug tests on recipients of welfare benefits, with programmes that lead to expulsion from the programme for repeat offenders. Others have introduced severe punishments for pregnant women who abuse drugs. Medical professionals recognize that such policies are counterproductive, highly intrusive and misplaced. The urge to punish rather than assist the poor often also has racial undertones, as in the contrast between the huge sentences handed down to those using drugs such as crack cocaine (predominantly Black) and those using opioids (overwhelmingly White).

F. Environmental pollution

67. Poor rural communities throughout the United States are often located close to polluting industries that pose an imminent and persistent threat to their human right to

[103] Centers for Disease Control and Prevention, Leading Causes of Death Reports, 1981–2016.

[104] See www.acf.hhs.gov/ana/resource/american-indians-and-alaska-natives-the-trust-responsibility.

[105] See, for example, United States Government Accountability Office, *Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, report to congressional committees (February 2017). Available at https://www.gao.gov/assets/690/682765.pdf.

[106] See A/HRC/21/47/Add.1, para. 15.

[107] United States Government Accountability Office, *Federal Funding for Non-Federally Recognized Tribes* (April 2012). Available at www.gao.gov/assets/600/590102.pdf.

[108] See, for example, Debra E. Houry, Tamara M. Haegerich and Alana Vivolo-Kantor, "Opportunities for prevention and intervention of opioid overdose in the emergency department", *Annals of Emergency Medicine* (2018).

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health.[109] At the same time, poor communities benefit very little from these industries, which they effectively subsidize because of the low tax rates offered by local governments to the relevant corporations.

68. Poor communities suffer especially from the effects of exposure to coal ash, which is the toxic remains of coal burned in power plants. It contains chemicals that cause cancer, developmental disorders and reproductive problems,[110] and is reportedly dumped in about 1,400 sites around the United States — 70 per cent of which are situated in low-income communities.[111] In Puerto Rico, the Special Rapporteur visited Guayama, where poor communities live close to a plant owned by Applied Energy Systems (AES) that produces coal ash. Community members noted severe negative impacts on their health and economic activities; neither federal nor local authorities had taken action. In March 2018 the Environmental Protection Agency proposed a new rule that would significantly undermine existing inadequate protections against coal ash disposal.

69. In Alabama and West Virginia, a high proportion of the population is not served by public sewerage and water supply services. Contrary to the assumption in most developed countries that such services should be extended by the government systematically and eventually comprehensively to all areas, neither state was able to provide figures as to the magnitude of the challenge or details of any planned government response.

VII. Conclusions and recommendations

70. **The following analysis focuses primarily on the federal level. It is nonetheless ironic that those who fight hardest to uphold state rights also fight hard to deny city and county rights. If the rhetoric about encouraging laboratories of innovation is to be meaningful, the freedom to innovate cannot be restricted to state politicians alone.**

1. Decriminalize being poor

71. **Punishing and imprisoning the poor is the distinctively American response to poverty in the twenty-first century. Workers who cannot pay their debts, those who cannot afford private probation services, minorities targeted for traffic infractions, the homeless, the mentally ill, fathers who cannot pay child support and many others are all locked up. Mass incarceration is used to make social problems temporarily invisible and to create the mirage of something having been done.**

72. **It is difficult to imagine a more self-defeating strategy. Federal, state, county and city governments incur vast costs in running jails and prisons. Sometimes these costs are "recovered" from the prisoners, thus fuelling the latter's cycle of poverty and desperation. The criminal records attached to the poor through imprisonment make it even harder for them to find jobs, housing, stability and self-sufficiency. Families are destroyed, children are left parentless and the burden on governments mounts. But because little is done to address the underlying causes of the original problem, it continues to fester. Even when imprisonment is not the preferred option, the standard response to those facing economic hardship is to adopt policies explicitly designed to make access to health care, sick leave and welfare and child benefits more difficult to access and the receipt of benefits more stigmatizing.**

73. **A cheaper and more humane option is to provide proper social protection and facilitate the return to the workforce of those who are able. In the United States, it is poverty that needs to be arrested, not the poor simply for being poor.**

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[109] Bill Chameides, "A look at environmental justice in the United States today," Huffington Post Blog, 20 January 2014. Available at www.huffingtonpost.com/bill-chameides/a-look-at-environmental-j_b_4633223.html.

[110] Earthjustice, "Fighting for protections from coal ash". Available at https://earthjustice.org/our_work/cases/2012/legal-fight-for-long-overdue-coal-ash-protections.

[111] Oliver Milman, "A civil rights 'emergency': justice, clean air and water in the age of Trump", *The Guardian*, 20 November 2017.

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2. Acknowledge the plight of the middle class

74. **Only 36 per cent of Republican voters consider that the federal Government should do more to help poor people, and 33 per cent believe that it already does too much.[112] The paradox is that the proposed slashing of social protection benefits will affect the middle classes every bit as much as the poor. Almost a quarter of full-time workers, and three quarters of part-time workers, receive no paid sick leave. Absence from work due to illness thus poses a risk of economic disaster. About 44 per cent of adults either could not cover an emergency expense costing $400 or would need to sell something or borrow money to do it. Over a quarter of all adults are classified as having no access or inadequate access to banking facilities.[113] The impacts of automation, artificial intelligence and the increasing fluidity of work arrangements mean that employer-provided social protection will likely disappear for the middle classes in the years ahead. If this coincides with dramatic cutbacks in government benefits, the middle classes will suffer an ever more precarious economic existence, with major negative implications for the economy as a whole, for levels of popular discontent and for political stability.**

3. Acknowledge the damaging consequences of extreme inequality

75. **The United States already leads the developed world in income and wealth inequality, and it is now moving full steam ahead to make itself even more unequal. But this is a race that no one else would want to win, since almost all other nations, and all the major international institutions, such as OECD, the World Bank and IMF, have recognized that extreme inequalities are economically inefficient and socially damaging. The trajectory of the United States since 1980 is shocking. In both Europe and the United States, the richest 1 per cent earned around 10 per cent of national income in 1980. By 2017 that had risen slightly in Europe to 12 per cent, but massively in the United States, to 20 per cent. Since 1980 annual income earnings for the top 1 per cent in the United States have risen 205 per cent, while for the top 0.001 per cent the figure is 636 per cent. By comparison, the average annual wage of the bottom 50 per cent has stagnated since 1980.[114]**

76. **The problem is that "inequality" lacks salience with the general public, who have long been encouraged to admire the conspicuous, and often obscene, consumption of billionaires and celebrities. What extreme inequality actually signifies is the transfer of economic and political power to a handful of elites who inevitably use it to further their own self-interest, as demonstrated by the situation in various countries around the world. While the poor suffer, so too do the middle class, and so does the economy as a whole. High inequality undermines sustained economic growth. It manifests itself in poor education levels, inadequate health care and the absence of social protection for the middle class and the poor, which in turn limits their economic opportunities and inhibits overall growth.**

77. **Extreme inequality often leads to the capture of the powers of the State by a small group of economic elites. The combined wealth of the United States Cabinet is around $4.3 billion. As noted by Forbes: "America's first billionaire president has remained devoted to the goal of placing his wealthy friends in his Cabinet, a top campaign promise."[115] And many regulatory agencies are now staffed by "political appointees with deep industry ties and potential conflicts".[116] Extreme inequality thus**

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[112] Pew Research Center, "Majorities say Government does too little for older people, the poor and the middle class" (2018). Available at http://assets.pewresearch.org/wp-content/uploads/sites/5/2018/01/30104502/01-30-18-groups-release.pdf.

[113] Board of Governors of the Federal Reserve System, *Report on the Economic Well-Being of U.S. Households in 2016* (May 2017).

[114] Facundo Alvaredo and others, coordinators, *World Inequality Report 2018*, (World Inequality Lab).

[115] Chase Peterson-Withorn, "The $4.3 billion Cabinet: see what each top Trump advisor is worth," *Forbes*, 5 July 2017.

[116] D. Ivory and R. Faturechi, "The deep industry ties of Trump's deregulation teams", *New York Times*, 11 July 2017.

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poses a threat not just to economic efficiency but to the well-being of American democracy.

4. Recognize a right to health care

78. **Health care is, in fact, a human right. The civil and political rights of the middle class and the poor are fundamentally undermined if they are unable to function effectively, which includes working, because of a lack of the access to health care that every human being needs. The Affordable Care Act was a good start, although it was limited and flawed from the outset. Undermining it by stealth is not just inhumane and a violation of human rights, but an economically and socially destructive policy aimed at the poor and the middle class.**

5. Get real about taxes

79. **At the state level, the demonizing of taxation means that legislatures effectively refuse to levy taxes even when there is a desperate need. Instead they impose fees and fines through the back door, some of which fund the justice system and others of which go to fund the pet projects of legislators. This sleight-of-hand technique is a winner, in the sense that the politically powerful rich get to pay low taxes, while the politically marginalized poor bear the burden but can do nothing about it. There is a real need for the realization to sink in among the majority of the American population that taxes are not only in their interest, but also perfectly reconcilable with a growth agenda. A much-cited IMF paper concluded that redistribution could be good for growth, stating: "The combined direct and indirect effects of redistribution — including the growth effects of the resulting lower inequality — are on average pro-growth."**[117]

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[117] Jonathan Ostry, Andrew Berg and Charalambos G. Tsangarides, *Redistribution, Inequality, and Growth*, IMF Staff Discussion Note (IMF, 2014), p. 4.

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707306 Date: 05/16/2019
STATE-18-0379-A-000054

RELEASE IN PART B5,B6

From: Stull, Mari L <StullML@state.gov>
Sent: Tuesday, June 5, 2018 10:02 AM
To: Sissell, Emily K. EOP/WHO < > B6
Cc: Moley, Kevin E <MoleyKE@state.gov>
Subject: B5
Attach: CV June 2018.pdf B6

B5

Hi Again Emily,

Attached is a CV of another American for This candidate is B6
We are interested in for a key position at ITU, which is vacant now – so, this is a bit time-sensitive.

Very best,

Mari
Official
UNCLASSIFIED

AMERICAN OVERSIGHT

From: Wachtel, Howard A. EOP/NSC < > B6
Sent: Thursday, June 14, 2018 3:45 PM
To: Stull, Mari L <StullML@state.gov>
Subject: FW:
Attach: B5

RELEASE IN PART
B5,B6

WEBSITE
https://www.whitehouse.gov/articles/promoting-human-rights-essential-america-first-vision-2/

LETTER (attached)

AMERICAN OVERSIGHT

From: Stull, Mari L <StullML@state.gov>
Sent: Thursday, June 14, 2018 6:03 PM
To: Doocey, Sean E. EOP/WHO < [redacted] >
Subject: 2018_ABAC membership Information
Attach: 2018_ABAC membership Information.docx

RELEASE IN PART B6

B6

Subject info attached.

Best,

Mari
Official
UNCLASSIFIED

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Friday, June 15, 2018 2:01 PM
To: Sissell, Emily K. EOP/WHO < > B6
Cc: Stull, Mari L <StullML@state.gov>
Subject: For Vet: 2 AmCits for DSS ASG at the UN
Attach: .pdf; - FINAL.PDF

Emily-

Happy Friday! Here are two resumes for AmCits who have applied for the positon of DSS ASG at the UN and have asked for your support. Both are already in the UN system.

Best,
Maggie

Maggie Dougherty
Senior Policy Advisor
U.S. Mission to the United Nations (Washington)
Office: 202-736-7655
Cell:

Official
UNCLASSIFIED

AMERICAN OVERSIGHT

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Wednesday, June 20, 2018 9:24 AM
To: Zadrozny, John A. EOP/WHO < [redacted] >
Cc: Stull, Mari L <StullML@state.gov>
Subject: For REVIEW: Draft Response to SR Alston Presentation
Attach: DRAFT- Response to Statement by SR Alston in HRC.docx

RELEASE IN PART B5,B6

B6

John-

Hope you are well! Since the US is no longer a member of the HRC, we will not be in the chair when SR Alston prevents his report on Extreme Poverty and Human Rights in the United States. Our mission in Geneva is preparing to post a statement on our website as a response. [redacted] Would you mind taking a quick look? We need it cleared by the end of the day today because he presents tomorrow.

B5

Thanks so much!

Best,
Maggie

Maggie Dougherty
Senior Policy Advisor
U.S. Mission to the United Nations (Washington)
Office: 202-736-7655
Cell: [redacted]

B6

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AMERICAN OVERSIGHT

RELEASE IN PART B5

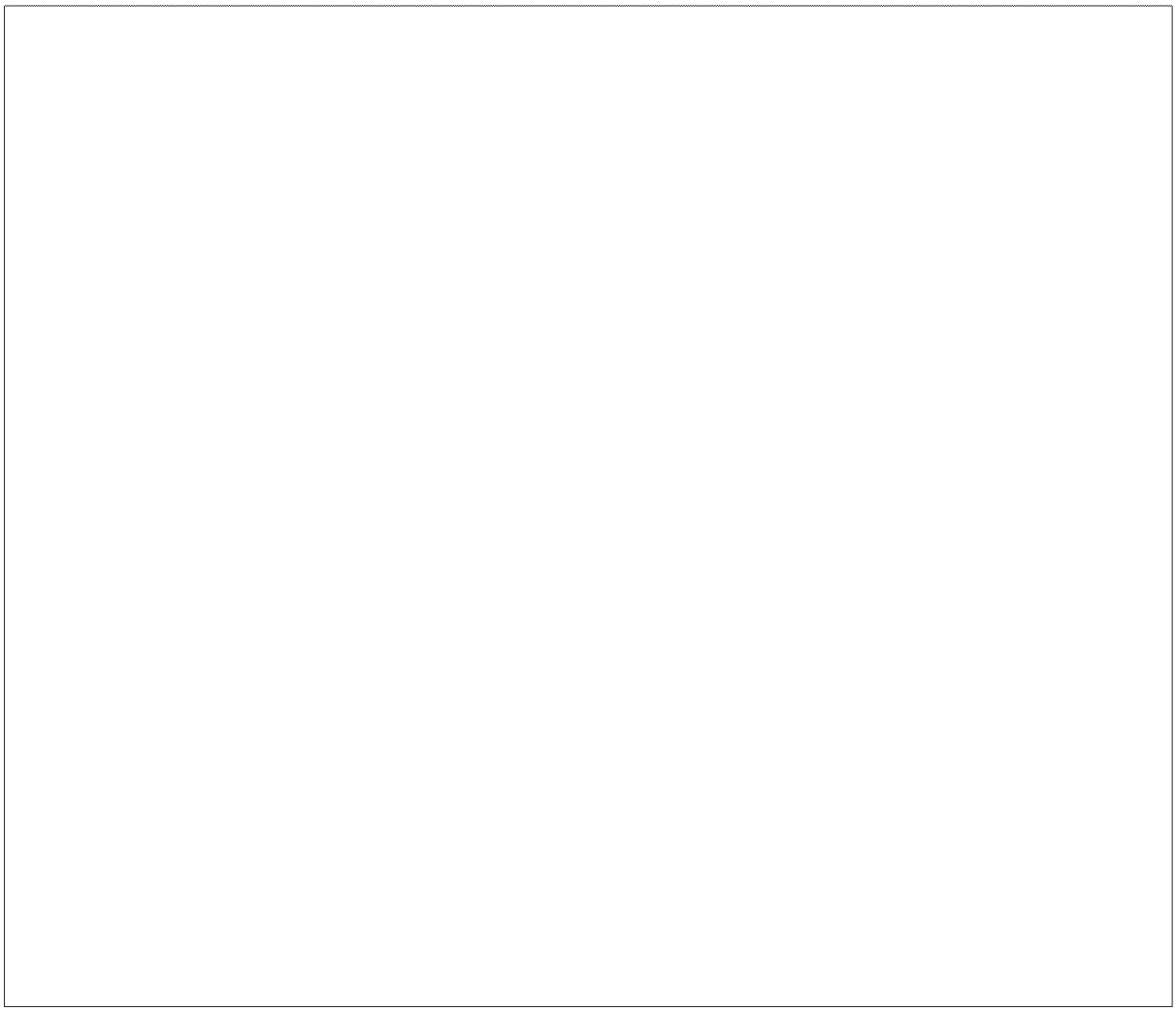
Country Concerned statement in response to SR Alston's Country Report on the United States
Statement by the U.S. Delegation
HRC 38
June 21, 2018

B5

[redacted]

AMERICAN OVERSIGHT

B5



AMERICAN OVERSIGHT

Approved:	IO/FO:		
Drafted:	Input compiled from domestic agencies and the White House Council of Economic Advisors		
Cleared:	IO/HRH:	MCassayre	
	IO/EDA:	JTuminaro	ok
	L/HRR:	ANelson/JBiscoff	ok
	DRL/MLGA:	VCrantea	pending DRL/FO clearance
	HUD:	CCampbell	ok
	HHS:	GLamourelle	ok
	USICH:	JHayes	ok
	USDA:	WDennis	ok
	Census:	TRenwick	ok
	J:	RBlake	info be request
	P:	CSpangler	ok
	S/P:	ADoran	ok
	D:	AJessen	ok
	USUN:	MDougherty	
	Geneva:	JCarl	ok
	NSC:	HWatchel	ok

AMERICAN OVERSIGHT

B6

RELEASE IN PART B6

From: Arangio, Jennifer EOP/NSC <[redacted]>
Sent: Wednesday, June 20, 2018 5:12 PM
To: Finerty, Tressa R (Geneva) <finertytr@state.gov>; 'Allegra, Theodore (Geneva)' <AllegraTX@state.gov>; OConnell, Carol <OConnellCT@state.gov>; Pryor, Pamela D <PryorPD@state.gov>; 'Eckels-Currie, Kelley (USUN New York)' <EckelsCurrieK@state.gov>; 'Moley, Kevin E' <MoleyKE@state.gov>
Cc: Pollack, Margaret J <PollackMJ@state.gov>; Storella, Mark C <StorellaMC@state.gov>; 'Ken Isaacs' <jkenisaacs@gmail.com>; 'Cassayre, Mark J' <CassayreMJ@state.gov>; 'Stull, Mari L' <StullML@state.gov>
Subject: EO to end separation of families
Attach: 2018EndSeparation.eo.rel.docx

Since we've been getting a lot of attention on this issue, please be advised of the latest presidential action.

Thank you!

Jennifer Arangio
Senior Director
International Organizations & Alliances
National Security Council – The White House
202-456-9277

AMERICAN OVERSIGHT

RELEASE IN FULL

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
June 20, 2018

EXECUTIVE ORDER

- - - - - - -

AFFORDING CONGRESS AN OPPORTUNITY TO ADDRESS FAMILY SEPARATION

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, it is hereby ordered as follows:

Section 1. Policy. It is the policy of this Administration to rigorously enforce our immigration laws. Under our laws, the only legal way for an alien to enter this country is at a designated port of entry at an appropriate time. When an alien enters or attempts to enter the country anywhere else, that alien has committed at least the crime of improper entry and is subject to a fine or imprisonment under section 1325(a) of title 8, United States Code. This Administration will initiate proceedings to enforce this and other criminal provisions of the INA until and unless Congress directs otherwise. It is also the policy of this Administration to maintain family unity, including by detaining alien families together where appropriate and consistent with law and available resources. It is unfortunate that Congress's failure to act and court orders have put the Administration in the position of separating alien families to effectively enforce the law.

Sec. 2. Definitions. For purposes of this order, the following definitions apply:

(a) "Alien family" means

(i) any person not a citizen or national of the United States who has not been admitted into, or is not authorized to enter or remain in, the United States, who entered this country with an alien child or alien children at or between designated ports of entry and who was detained; and

(ii) that person's alien child or alien children.

(b) "Alien child" means any person not a citizen or national of the United States who

(i) has not been admitted into, or is not authorized to enter or remain in, the United States;

(ii) is under the age of 18; and

(iii) has a legal parent-child relationship to an alien who entered the United States with the alien child at or between designated ports of entry and who was detained.

Sec. 3. Temporary Detention Policy for Families Entering this Country Illegally. (a) The Secretary of Homeland Security

AMERICAN OVERSIGHT

(Secretary), shall, to the extent permitted by law and subject to the availability of appropriations, maintain custody of alien families during the pendency of any criminal improper entry or immigration proceedings involving their members.

(b) The Secretary shall not, however, detain an alien family together when there is a concern that detention of an alien child with the child's alien parent would pose a risk to the child's welfare.

(c) The Secretary of Defense shall take all legally available measures to provide to the Secretary, upon request, any existing facilities available for the housing and care of alien families, and shall construct such facilities if necessary and consistent with law. The Secretary, to the extent permitted by law, shall be responsible for reimbursement for the use of these facilities.

(d) Heads of executive departments and agencies shall, to the extent consistent with law, make available to the Secretary, for the housing and care of alien families pending court proceedings for improper entry, any facilities that are appropriate for such purposes. The Secretary, to the extent permitted by law, shall be responsible for reimbursement for the use of these facilities.

(e) The Attorney General shall promptly file a request with the U.S. District Court for the Central District of California to modify the Settlement Agreement in *Flores v. Sessions*, CV 85-4544 ("*Flores* settlement"), in a manner that would permit the Secretary, under present resource constraints, to detain alien families together throughout the pendency of criminal proceedings for improper entry or any removal or other immigration proceedings.

Sec. 4. Prioritization of Immigration Proceedings Involving Alien Families. The Attorney General shall, to the extent practicable, prioritize the adjudication of cases involving detained families.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

AMERICAN OVERSIGHT

June 20, 2018.

# # #

AMERICAN OVERSIGHT

RELEASE IN PART
B5,B6

From: Browne, Lisa Y <BrowneLY@state.gov>
Sent: Thursday, June 21, 2018 6:47 PM
To: djnordquist[redacted] B6
Cc: Stull, Mari L <StullML@state.gov>; Masghati, Niki <MasghatiN@state.gov>; IO Staff Assistants-DL <StaffAssistants@state.gov>
Subject: Clearance Request: Statement in Response to SR Alston's Country Report
Attach: DRAFT HRC38 - Country Concerned Statement in Response to SR Alston.docx

Dear DJ,

On behalf of Senior Advisor Mari Stull, I would appreciate your clearance on the attached statement in response to SR Alton's country report. SR Alston will deliver his remarks on Friday, 6am DC time (12pm Geneva) and we would like to post our statement shortly after he concludes.

If you could please send us any edits and your clearance by tonight, we will send overnight to Geneva. I have also copied the statement below for ease of phone reading.

Warm regards,
Lisa

--
Lisa Y. Browne
Bureau of International Organization Affairs
U.S. Department of State
Office: 202-647-5153
Mobile:[redacted] B6
BrowneLY@state.gov

Country Concerned statement in response to SR Alston's Country Report
on the United States
Statement by the U.S. Delegation
HRC 38
June 21, 2018

B5

[redacted]

AMERICAN OVERSIGHT

B5

AMERICAN OVERSIGHT

Approved: IO/FO:

Drafted: Input compiled from domestic agencies and the White House Council of Economic Advisors

Cleared:		
DRL/FO:	MKozak; SBusby	ok
IO/HRH:	MCassayre	ok
IO/EDA:	JTuminaro	ok
L/HRR:	ANelson/JBiscoff	ok
DRL/MLGA:	VCrantea	ok
HUD:	CCampbell	ok
HHS:	GLamourelle	ok
USICH:	JHayes	ok
USDA:	WDennis	ok
Census:	TRenwick	ok
J:	RBlake	info be request
P:	CSpangler	ok
S/P:	ADoran	ok
D:	AJessen	ok
USUN:	MDougherty	ok
DPC:	JZadrozny	ok
Geneva:	JCarl	ok
NSC:	HWatchel	ok
CEA:	DJNordquist	

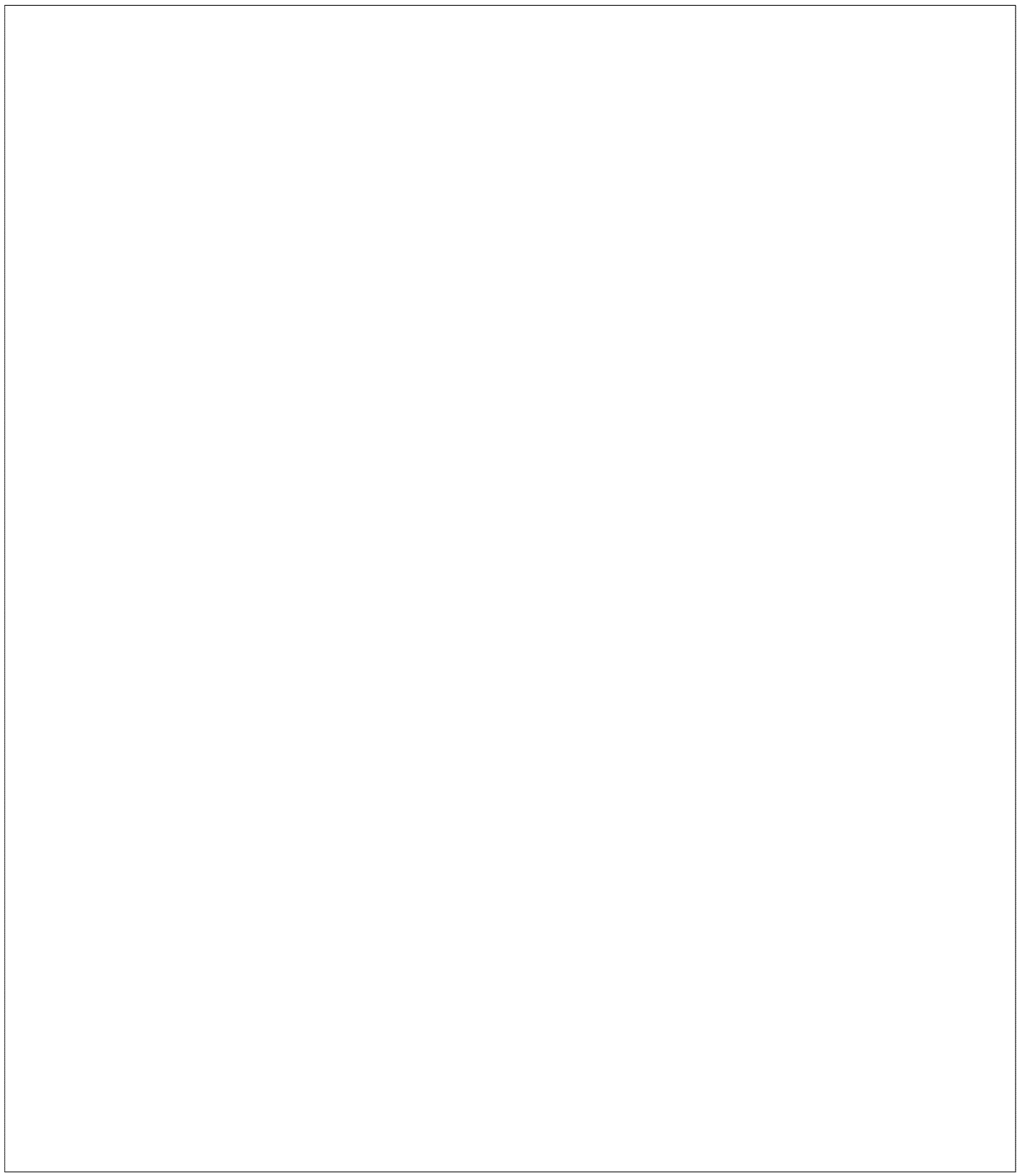
Official
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AMERICAN OVERSIGHT

RELEASE IN PART
B5

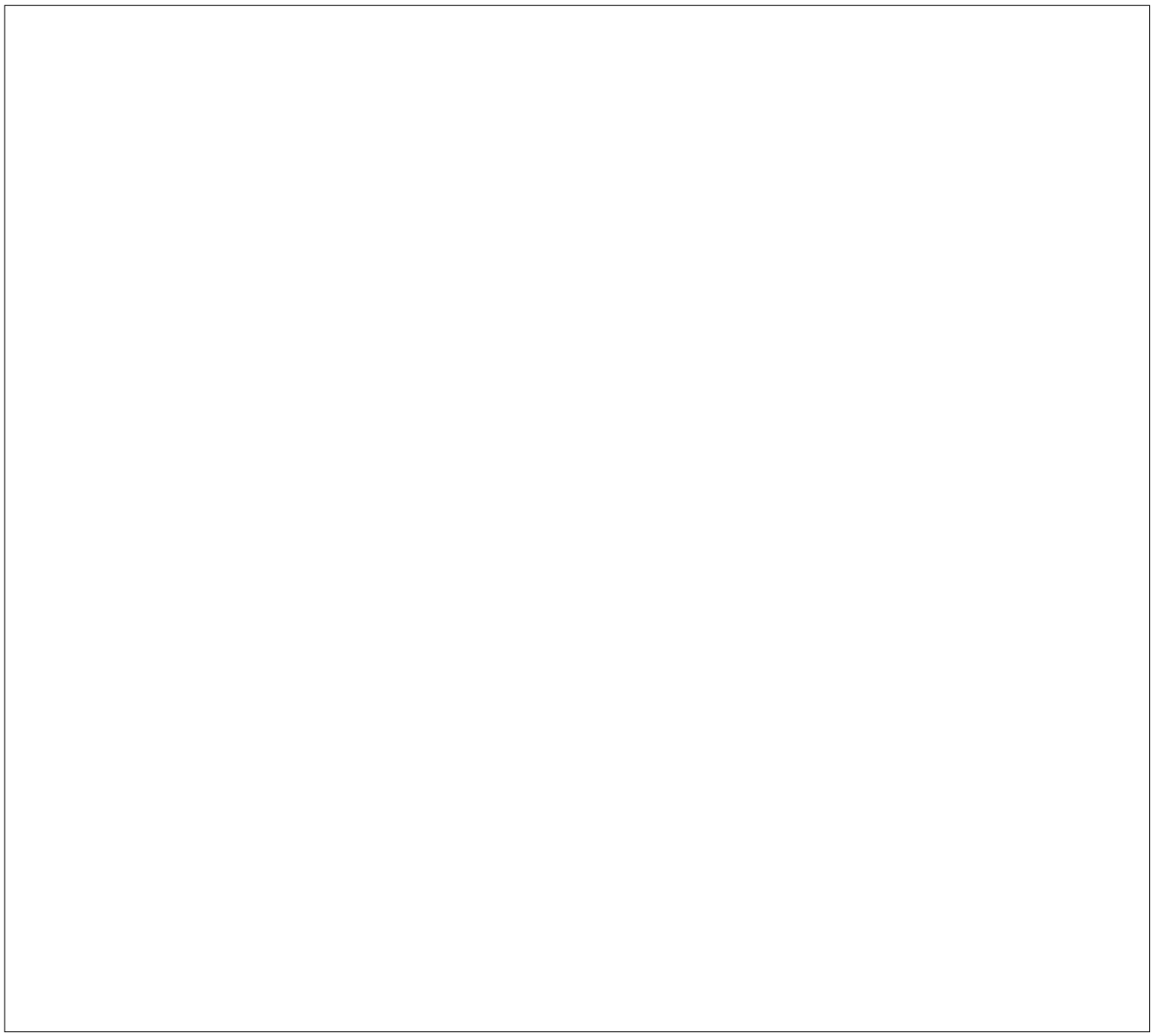
Country Concerned statement in response to SR Alston's Country Report on the United States
Statement by the U.S. Delegation
HRC 38
June 21, 2018

B5



AMERICAN OVERSIGHT

B5



AMERICAN OVERSIGHT

Approved:	IO/FO:		
Drafted:	Input compiled from domestic agencies and the White House Council of Economic Advisors		
Cleared:	DRL/FO:	MKozak; SBusby	ok
	IO/HRH:	MCassayre	ok
	IO/EDA:	JTuminaro	ok
	L/HRR:	ANelson/JBiscoff	ok
	DRL/MLGA:	VCrantea	ok
	HUD:	CCampbell	ok
	HHS:	GLamourelle	ok
	USICH:	JHayes	ok
	USDA:	WDennis	ok
	Census:	TRenwick	ok
	J:	RBlake	info be request
	P:	CSpangler	ok
	S/P:	ADoran	ok
	D:	AJessen	ok
	USUN:	MDougherty	ok
	DPC:	JZadrozny	ok
	Geneva:	JCarl	ok
	NSC:	HWatchel	ok
	CEA:	DJNordquist	

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Thursday, June 28, 2018 11:15 AM
To: 'Sissell, Emily K. EOP/WHO' < [redacted] > B6
Cc: Stull, Mari L <StullML@state.gov>
Subject: AmCit Resume
Attach: [redacted] Resume.pdf

Emily-

Please see attached resume. He is interested in any UN position.

Best,
Maggie

Official
UNCLASSIFIED

AMERICAN OVERSIGHT

From: Nordquist, DJ D. EOP/CEA <[redacted]> B6
Sent: Tuesday, July 3, 2018 2:03 PM
To: stullml@state.gov
Subject: 070218 Poverty report op ed_CEA
Attach: 070218 Poverty report op ed_CEA.docx

RELEASE IN PART B5,B6

[redacted] B5

AMERICAN OVERSIGHT

Vacancy Announcement

RELEASE IN FULL

Title: **General Counsel, Office of the General Counsel**
Category: **Fixed Term - Professional**
Duty Station: **Rome, Italy - Headquarters**

ABOUT IDLO

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. We contribute to creating stable and inclusive societies where every person can live free from fear and want, in dignity and under the rule of law.

To learn more about IDLO, please visit our website www.idlo.int or follow us on Twitter @IDLO.

ORGANIZATIONAL CONTEXT

The Office of General Counsel (OGC) is a dynamic generalist legal practice whose overarching aim is to advance and protect the legal interests of IDLO, while mitigating risk, fostering accountability, and helping to ensure the effective and efficient operation of the Organization and its governing bodies. OGC advises the Organization on a diverse range of legal and ethical issues. Advice is provided to the Director-General and senior managers, as well as to all Departments, Field Offices, Committees, Teams and IDLO Governing bodies. Given the high legal and ethical standard against which a rule-of-law promotion organization is held, OGC plays a pivotal role in ensuring that IDLO is in full compliance with all applicable laws and policies.

THE POSITION

Reporting to the Director-General, the General Counsel is responsible for leading and managing IDLO's corporate legal affairs and for ensuring that the Organization's activities are carried out in accordance with its governing documents and relevant laws, rules, policies and ethical standards. As the chief legal advisor to the Director-General and a member of IDLO's Senior Leadership Team, the General-Counsel is responsible for the following duties and responsibilities:

1. Advise and represent the organization on all legal matters, including governance, dispute resolution, privileges and immunities and host country arrangements.

    - Provide legal advice to the Director-General and governing bodies on all matters including the functions, structure, and activities of the Organization, agreements and other legal documents, international and other applicable law, and Organizational regulations, rules, and policies, and procedures;
    - Prepare governing body draft resolutions and any proposed amendments to governance documents; interpret governance document provisions, and ensure compliance with IDLO rules and procedures by the governing bodies;
    - Develop and negotiate Host Country Agreements or other instruments for the conferral of legal status and privileges and immunities on IDLO.

AMERICAN OVERSIGHT

- Represent and advance the Organization's interests in any audit, investigation, or grievance lodged against IDLO and help investigate and advise on the handling of any disciplinary matters, disputes, and related proceedings;
- Represent and litigate on behalf of the Organization in administrative, legal, and other proceedings or actions in which it is a party;

2. Develop, manage and oversee an effective and high caliber internal legal capacity to provide corporate legal services covering all areas of its operations.

- Provide in-house clients with legal opinions, strategic or interpretative advice, and proposed solutions to problems and on risk mitigation concerning the functions, structure, and activities of the Organization;
- Draft, review, negotiate, interpret, and/or advise on contracts, agreements and other legal documents related to institutional and program matters, in cooperation with in-house clients;
- Oversee the work of OGC lawyers and staff by providing clear direction, guidance and support;
- Manage staff performance and development through ongoing dialogue and mentoring; motivate and support staff with a view to fostering a teamwork approach in meeting objectives and goals;
- Develop and effectively implement an annual program of work and budget for the OGC;

3. Serve as a member of the IDLO Senior Leadership Team, represent IDLO, and contribute to the shaping and defining of IDLO's vision and strategy;

- Promote a strong climate of lawful and ethical conduct including through the development and application of organizational regulations, rules, policies and guidelines to govern institutional activities;
- Advise the Director-General and the Senior Leadership Team on any legal or ethical issues that arise within or concern IDLO;
- Support the Director-General in building and maintaining constructive relations with IDLO's governing bodies and Member Parties;
- Build collaboration with the international legal community to keep abreast of developments regarding privileges and immunities and the status and governance of intergovernmental organizations.

IDEAL CANDIDATE PROFILE

IDLO seeks a General Counsel with a deep interest and passion for the organization's mission. The ideal candidate must bring a broad-based background in law, with the ability to manage a diverse and dynamic workload and gain trust and credibility in an organization that includes many lawyers within its ranks. It is essential for the successful candidate to have significant legal experience in organizational matters in governmental or inter-governmental settings.

- A Law Degree, with admission to practice law, regardless of the jurisdiction, is required. Specialization in international law is an advantage.

AMERICAN OVERSIGHT

- A minimum of 15 years professional experience in progressively responsible leadership roles is required.
- Substantial experience of handling corporate legal matters in a governmental or intergovernmental organization is essential.

SPECIFIC KNOWLEDGE / LANGUAGE SKILLS/ COMPETENCIES

- Fluency in English essential, working knowledge of French and/or Spanish desirable;
- Demonstrated capacity as a self-starter with a proven ability to produce results and maintain credibility of the legal function;
- Proven ability to lead and manage change in a fast-paced and rapidly evolving environment;
- Strong client-oriented approach and customer service ethics; proven ability to build effective relationships with internal and external stakeholders;
- Excellent communication skills;
- Proven capacity to negotiate and resolve delicate issues in a diplomatic and balanced way;
- Strong inter-personal skills, able to promote mutual respect and trust, and relate to people from different cultures;
- Impeccable integrity, sense of ethics and commitment to IDLO's mandate.

TERMS AND CONDITIONS

This is a fixed-term internationally recruited senior leadership position with an annual salary in the range of €105,000 plus applicable benefits and allowances. The IDLO benefit package in accordance with IDLO Employee regulations and Rules includes: Provident Fund (IDLO contribution 14%) and subsidized health insurance coverage including life insurance, medical and dental through CIGNA International to the employee and eligible dependents plus other admissible benefits. Relocation support is available for internationally recruited employees.

The remuneration is net of income tax for those without Italian nationality or permanent residence.

HOW TO APPLY

All interested applicants are encouraged to apply via our website www.idlo.int/jobs and submit the completed IDLO Personal History Form (PHF), resume and cover letter.

IDLO is an Equal Opportunity Employer and values diversity in all areas of its operations. Women candidates are particularly encouraged to apply.

DISCLAIMER AND CLOSING DATE

The above statements are intended to describe the general nature and level of the work being performed by the staff member assigned to this work. It is not an exhaustive list of all duties and responsibilities.

The Director-General of IDLO reserves the right to amend and change responsibilities or even to cancel the recruitment to meet business and organizational needs as necessary.

Application deadline is: **April 29, 2018** (23:59hrs Rome Time).

AMERICAN OVERSIGHT

RELEASE IN FULL

Food and Agriculture Organization of the United Nations

Vacancy Announcement No. IRC5571
Deadline for Applications: 26 June 2018

Title	**Deputy Director, Investment Centre Division (TCI)**
Grade	D-1
Number	0017396
Duty Station Location	Rome, Italy

Summary of Duties and Functions

The Investment Centre Division (TCI) supports countries increase and improve investments in food security, nutrition, agriculture, poverty reduction rural development, sustainable natural resource management and climate change mitigation and/or adaptation (CCM/A), in line with FAOs Strategic Framework and Objectives. It assists governments and country stakeholders, main development partners, in particular international financing institutions (IFIs), with the strategic planning and implementation of their investments to achieve growth, poverty alleviation, food security and nutrition goals. TCI is a multidisciplinary division composed of three regionally focused services and advisory team.

Under the overall guidance of the Director, Investment Centre Division (TCI), and as a member of the Management Team, the Deputy Director will assist the Director in exercising overall management responsibility. He or she will support the Director in strategic vision, planning, quality control and implementation of the Division's programme of work in a cost-effective manner. In particular, he or she will:

- support the Director in the strategic planning, development and implementation of the Division's programme of work in line with FAO's Strategic Objectives;
- ensure effective linkages and collaboration between the work and staff of the Division with that of the wider Organization, including Decentralized Offices and headquarters, in all relevant areas;
- develop new partnerships and liaise with senior counterparts in partner agencies for the planning of activities in accordance with strategic priorities and for mutual benefit;
- support coordination and oversight of programmes and activities with IFIs and other partners;
- coordinate knowledge management activities, promote communication and collaboration within and across units/teams and foster a work environment conducive to achieving results and technical excellence;
- oversee and coordinate divisional human resources and budgetary matters;
- represent the Organization in external and interagency fora and meetings, as necessary;
- serve as Officer-in-Charge in the absence of the Director and perform other duties as required.

For further information on the activities of the Division, please consult: http://www.fao.org/tc/tci/en

General Requirements

- Advanced university degree in economics, agricultural economics, agriculture sciences, rural development, civil engineering, environmental sciences, natural resources management, public services management, business administration, public policy or administration or other closely related fields;
- Knowledge of programmes and activities of major development partners, including IFIs;
- Proven track record of outreach and engagement with investment partners, including IFIs, regional economic commissions, and/or the private sector;
- Demonstrated management experience in large international or national institutions;

AMERICAN OVERSIGHT

- Ability to lead and work effectively with a diverse team of people of different national and cultural backgrounds in an international setting;
- Working knowledge of English, French or Spanish and limited knowledge of one of the other two or Arabic, Chinese or Russian.

Leadership Competencies

Results focus: Takes accountability for the delivery of agreed results in service of FAO's Strategic Framework **- Leading, engaging and empowering others:** Coordinates, directs, facilitates and recognizes team efforts; creates an enabling environment and assists others to realize and develop their potential - **Communication:** Encourages and contributes to clear and open communication - **Partnering and Advocating:** Promotes ideas and develops partnerships to advance the Organization's work - **Knowledge sharing and continuous improvement:** Continually seeks to improve the knowledge, skills and work processes of oneself and others - **Strategic thinking:** Makes informed and coherent decisions aligned with broader goals and strategies.

Please note that all candidates should adhere to FAO values of *Commitment to FAO*, *Respect for all* and *Integrity and Transparency*.

Remuneration

FAO adheres to the UN common system of salaries, allowances and benefits. General information regarding salaries and allowances can be found at the International Civil Service Commission Web site: http://www.un.org/Depts/OHRM/salaries_allowances/salary.htm

How to Apply

To apply, visit the iRecruitment Website at http://www.fao.org/employment/irecruitment-access/en/ and complete the on-line application. Only applications received through iRecruitment will be considered.

Vacancies will be removed from iRecruitment at 23:59 Central European Time (CET) on the deadline for applications date. We encourage applicants to submit the application well before the deadline date.

If you need help, or have queries, please contact: iRecruitment@fao.org

AMERICAN OVERSIGHT

RELEASE IN FULL

Food and Agriculture Organization of the United Nations

Vacancy Announcement No. IRC5572
Deadline for Applications: 26 June 2018

Title	**Chief, Europe, Central Asia, Near East, North Africa, Latin America and the Caribbean Service (TCI)**
Grade	D-1
Number	0025402
Duty Station Location	Rome, Italy

Summary of Duties and Functions

The Investment Centre Division (TCI) supports countries increase and improve investments in food security, nutrition, agriculture, poverty reduction rural development, sustainable natural resource management and climate change mitigation and/or adaptation (CCM/A), in line with FAO's Strategic Framework and Objectives. It assists governments and country stakeholders, main development partners, in particular international financing institutions (IFIs), with the strategic planning and implementation of their investments to achieve growth, poverty alleviation, food security and nutrition goals. TCI is a multidisciplinary division composed of three regionally focused services and advisory team.

Under the overall guidance of the Director, Investment Centre Division (TCI), and as a member of the Management Team, the Service Chief will liaise with cooperating partners, governments, FAO Decentralized Offices (DOs) and technical units for the planning and implementation of the work programme in Europe, Central Asia, Near East, North Africa, Latin America and the Caribbean, in line with FAO's Strategic Framework, Medium-term Plan and biennial Programme of Work and Budget. Specifically, the incumbent will:

- be responsible for the operational planning, implementation, technical supervision, output monitoring and quality control of the service work programme;
- ensure the provision of investment-related support services to member countries, mainly for the identification, preparation, implementation support and evaluation of investment projects and programmes;
- oversee the preparation of project feasibility studies, sector and subsector studies in collaboration with governments, project beneficiaries and other stakeholders;
- promote the development of national capacities for investment planning, formulation and implementation, through the development and dissemination of guidance materials, formal and on-the-job training, and use of national experts;
- ensure linkages between the work and staff of the Division with DOs and headquarters units, on technical and managerial issues;
- contribute to FAO's studies and technical papers, with special reference to investment-related topics;
- support FAO member countries in mobilizing private sector investment and the coordination of donor in-country activities, in collaboration with other responsible units of the Organization;
- develop new partnerships and liaises with senior counterparts in partner agencies for the planning of activities in accordance with strategic priorities and for mutual benefit;
- manage a multi-disciplinary team of professional staff based at FAO headquarters and in DOs;
- ensure the recruitment of qualified experts, mentor, coach and support career development and capacity development of the service's staff.

For further information on the activities of the Division, please consult: http://www.fao.org/support-to-investment/en/

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General Requirements

- Advanced university degree in economics, agriculture sciences, rural infrastructure engineering, environmental sciences, natural resources management, public services management, business administration, public policy or administration or other closely related fields;
- Extensive relevant professional experience in Food Security, Nutrition, Agriculture, Rural Development (FSNARD) sector studies and reviews, policy and strategy development, identification, formulation, implementation support and evaluation of investment projects and programmes in developing and/or transition countries;
- Knowledge of policies of major IFIs and other development partners;
- Demonstrated management experience in large international or national institutions;
- Ability to lead and work effectively with a diverse team of people of different national and cultural backgrounds in an international setting;
- Working knowledge of English, French or Spanish and limited knowledge of one of the other two or Arabic, Chinese or Russian.

Leadership Competencies

Results focus: Takes accountability for the delivery of agreed results in service of FAO's strategic framework **- Leading, engaging and empowering others:** Coordinates, directs, facilitates and recognizes team efforts; creates an enabling environment and assists others to realize and develop their potential - **Communication:** Encourages and contributes to clear and open communication - **Partnering and Advocating:** Promotes ideas and develops partnerships to advance the Organization's work - **Knowledge sharing and continuous improvement:** Continually seeks to improve the knowledge, skills and work processes of oneself and others - **Strategic thinking:** Makes informed and coherent decisions aligned with broader goals and strategies.

Please note that all candidates should adhere to FAO values of *Commitment to FAO*, *Respect for all* and *Integrity and Transparency*.

Remuneration

FAO adheres to the UN common system of salaries, allowances and benefits. General information regarding salaries and allowances can be found at the International Civil Service Commission Web site: http://www.un.org/Depts/OHRM/salaries_allowances/salary.htm

How to Apply

To apply, visit the iRecruitment website at http://www.fao.org/employment/irecruitment-access/en/ and complete the on-line application. Only applications received through iRecruitment will be considered.

Vacancies will be removed from iRecruitment at 23:59 Central European Time (CET) on the deadline for applications date. We encourage applicants to submit the application well before the deadline date.

If you need help, or have queries, please contact: iRecruitment@fao.org

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Thursday, August 16, 2018 5:05 PM
To: 'Sissell, Emily K. EOP/WHO' <[redacted]> B6
Cc: Stull, Mari L <StullML@state.gov>
Subject: For consideration- UN Candidate Information Sheet
Attach: 2018-08-16 UN Candidate Information Sheet Draft from USUN.docx

---

Emily-

Thanks for considering! Let us know if you have any questions!

Best,
Maggie
Official
UNCLASSIFIED

AMERICAN OVERSIGHT

RELEASE IN PART B6

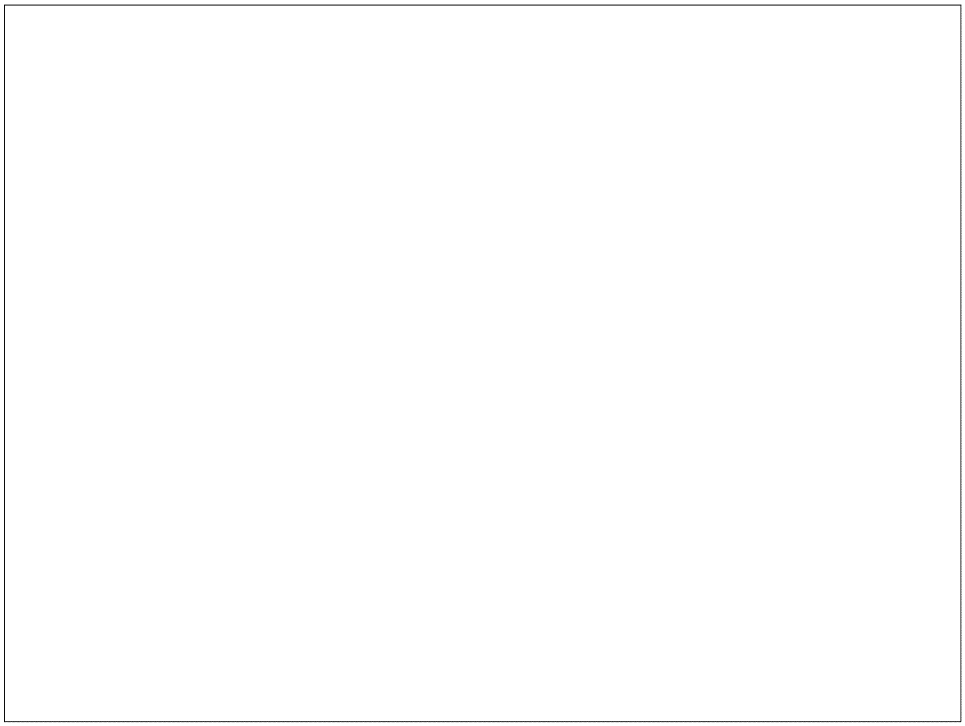
Office of the President

Presidential Personnel Office

CANDIDATE INFORMATION SHEET FOR US SUPPORT FOR UN EMPLOYMENT

Purpose: The purpose of this document is to ascertain a candidate's qualifications for employment at the United Nations and subsequent United States support or endorsement. Please fill out the questionnaire with as much detail as possible.

NOTICE: Return to the Office of Presidential Appointments as soon as complete. This information is necessary to begin the clearance process. Return via email to [redacted] or contact the office for alternate submission methods. B6



AMERICAN OVERSIGHT

Please provide information on public statements, publications, public appearances, or through TV, radio, podcasts, conferences, Congressional tesitmony, etc.

Please provide hyperlinks to any social media (Facebook, Twitter, LinkedIn, etc) account past/present.

Facebook:

Twitter:

LinkedIn:

Other:

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Stull, Mari L <StullML@state.gov>
Sent: Wednesday, August 29, 2018 6:01 PM
To: Sissell, Emily K. EOP/WHO <[redacted]>
Subject: FW: Another Resume
Attach: [redacted]Resume.docx

B6

Deliberative and pre-decisional communication

From: Dougherty, Margaret R
Sent: Wednesday, August 29, 2018 5:37 PM
To: Stull, Mari L <StullML@state.gov>
Subject: Another Resume

Mari-

See attached. Interested in any UN job.

Best,
Maggie

Official
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RELEASE IN PART B6

From: Stull, Mari L <StullML@state.gov>
Sent: Friday, September 14, 2018 1:38 PM
To: Sissell, Emily K. EOP/WHO < > B6
Subject: FW: resume
Attach: docx; VA_Adviser -Governance and Govt. Relations (ITA)_Aug 2018.pdf

---

Adviser - Governance and Government Relations (ITA)
Category: Fixed Term - Professional
Duty Station: Rome, Italy - Headquarters
ABOUT IDLO
The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. We contribute to creating stable and inclusive societies where every person can live free from fear and want, in dignity and under the rule of law.
To learn more about IDLO, please visit our website www.idlo.int or follow us on Twitter @IDLO.

From: Moley, Kevin E
Sent: Friday, September 14, 2018 1:35 PM
To: Stull, Mari L <StullML@state.gov>
Cc: Hyland, Leslie <HylandL@state.gov>
Subject: FW: resume

Forward to PPO.

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From: Cook, Nerissa J
Sent: Friday, September 14, 2018 12:46 PM
To: Moley, Kevin E <MoleyKE@state.gov>; Griffiths, Douglas <GriffithsDM@state.gov>
Subject: resume

As requested, resume. Nerissa

PRIVACY/PII
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AMERICAN OVERSIGHT

Vacancy Announcement

RELEASE IN FULL

Title: **Adviser - Governance and Government Relations (ITA)**

Category: **Fixed Term - Professional**

Duty Station: **Rome, Italy - Headquarters**

ABOUT IDLO

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. We contribute to creating stable and inclusive societies where every person can live free from fear and want, in dignity and under the rule of law.

To learn more about IDLO, please visit our website www.idlo.int or follow us on Twitter @IDLO.

THE POSITION

IDLO is an intergovernmental organization and works with governments from all regions of the world as program partners, donors and Members Parties of its governance bodies. As a senior aide to the Director-General, the Adviser guides, coordinates and supports organization-wide activities to strengthen government relations and mobilize political support to advance IDLO's goals and objectives. S/he actively engages with government delegations and, working closely with the Department for Strategic Communications and UN Liaison Offices, contributes to the coordination of relations with other inter-governmental organizations. The Adviser also oversees secretariat support to IDLO's governance bodies.

Reporting directly to the Director-General, the Adviser will carry out the following responsibilities:

- Conceptualize, lead and execute strategies to develop and strengthen relations with Member Parties and other governments in order to expand political support for IDLO's vision, mission, programs and policy objectives;
- Support and advise the Director General and IDLO's Senior Leadership Team to strengthen partnerships with governments and inter-governmental organizations and enhance IDLO's profile and relevance to key stakeholders;
- Engage proactively with government delegations in Rome and, where appropriate, in capitals, to strengthen communications and build effective partnerships, identifying areas of common interest and leveraging synergies;
- Develop and execute a membership growth strategy in a regionally balanced manner to achieve the goals and targets set out in IDLO's Strategic Plan 2017 – 2020;
- Take the lead in developing and fostering relations with Rome-based Agencies with a view to developing and enhancing new program and policy partnerships;
- Working closely with senior managers at Headquarters and UN Liaison Offices, ensure effective coordination and coherent management of IDLO's governmental and inter-governmental relations;
- Working in close cooperation with the Strategic Partnerships Unit, ensure that IDLO's plans and activities to garner political and financial support are properly coordinated and mutually reinforcing;

AMERICAN OVERSIGHT

- Plan, manage and oversee the work of the Secretariat to ensure timely and high-quality support to IDLO's governing bodies, coordinating, as appropriate, with the Office of the General Counsel and other relevant Departments;
- Working closely with the Department of Strategic Communications, ensure that the communications strategies, activities and products are geared to enhance engagement with IDLO's governmental and inter-governmental stakeholders;
- Effectively lead a small team dedicated to government relations and governance support, providing clear direction, managing performance through regular dialogue, feedback, and mentoring; motivate and support staff by fostering teamwork; encourage initiative and maintain effective working relationships in a multi-cultural setting across the Organization;
- Develop and manage the annual work plan and budget for secretariat and government relations activities; and
- Perform other related duties as requested by the Director-General.

IDEAL CANDIDATE PROFILE

Education and Work experience

- Graduate degree in political sciences, international relations, or related field. A first level university degree in combination with qualifying experience may be accepted in lieu of the advanced university degree;
- A minimum of 10 years of progressively responsible professional experience in an international/multilateral organization or in government with a focus on external relations, diplomacy and/or inter-governmental coordination;
- Experience of stakeholder relations management preferably in an inter-governmental or setting;
- Experience of working with governance bodies in intergovernmental organizations.

Languages

- Fluency in English is essential;
- Working knowledge of French/Spanish an advantage.

Specific knowledge, skills and competencies

- Strong diplomatic skills with proven ability to build networks and manage stakeholder relationships in a complex multi-cultural environment;
- Ability to think strategically with good political analysis and understanding of global issues of relevance to IDLO's mandate;
- Demonstrated ability to work closely with top leadership;
- Demonstrated ability to negotiate and build trust and confidence with government officials from diverse regions;
- Strong oral, drafting and representational skills;
- Good understanding of IDLO's substantive areas of work: rule of law, development, peacebuilding, access to justice;
- Ability to effectively coordinate multi-sited multicultural teams;

AMERICAN OVERSIGHT

- Proven ability to work with minimal supervision and lead a multicultural team in a fast-paced and rapidly evolving environment;
- Strong inter-personal skills, able to promote mutual respect and trust, and relate to people from different cultures;
- Impeccable integrity, sense of ethics and commitment to IDLO's mandate.

TERMS AND CONDITIONS

The annual salary for this fixed-term professional, internationally recruited position is in the range of € 80,000.- commensurate with qualifications and experience, plus additional admissible allowances and benefits. The selected candidate will be offered a contract for 12 months, renewable, subject to performance and fund availability. Relocation support is available for internationally recruited employees.

IDLO benefit package in accordance with IDLO Employee regulations and Rules includes: Provident Fund (IDLO contribution 14%) and subsidized health insurance coverage including life insurance, medical and dental through CIGNA International to the employee and eligible dependents plus other admissible benefits.

The remuneration is net of income tax for those without Italian nationality or permanent residence.

HOW TO APPLY

All interested applicants are encouraged to apply via our website www.idlo.int/jobs and submit the completed IDLO Personal History Form (PHF), resume and cover letter.

Women candidates are particularly encouraged to apply.

IDLO is an Equal Opportunity Employer and values diversity in all areas of its operations.

DISCLAIMER AND CLOSING DATE

The above statements are intended to describe the general nature and level of the work being performed by the staff member assigned to this work. It is not an exhaustive list of all duties and responsibilities.

The Director-General of IDLO reserves the right to amend and change responsibilities or even to cancel the recruitment to meet business and organizational needs as necessary.

Application deadline is: **September 01, 2018** (23:59hrs Rome Time).

In the interest of making most effective use of resources, only the short-listed candidates will be contacted during the selection process.

AMERICAN OVERSIGHT

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Thursday, October 4, 2018 3:31 PM
To: Sissell, Emily K. EOP/WHO <[redacted]>
Cc: Stull, Mari L <StullML@state.gov>
Subject: For Review
Attach: [redacted]rtf; [redacted].pdf; [redacted] [redacted]doc; [redacted]PDF.pdf

RELEASE IN PART B6

B6

Emily-

Hope you are well! Can you please review these attached resumes? They are names to put forward for future judgeships which open up.

Best,
Maggie

Maggie Dougherty
Senior Policy Advisor
U.S. Mission to the United Nations (Washington)
Office: 202-736-7655
Cell: [redacted]

Official
UNCLASSIFIED

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Wednesday, October 10, 2018 9:05 AM
To: Sissell, Emily K. EOP/WHO <[redacted]> B6
Cc: Stull, Mari L <StullML@state.gov>
Subject: For Review:
Attach: [redacted].docx; [redacted].docx

Emily-

Hope you are well! Can you please review the attached resume? He is under consideration for a D2 post in the UN OCT.

Best,
Maggie

Maggie Dougherty
Senior Policy Advisor
U.S. Mission to the United Nations (Washington)
Office: 202-736-7655
Cell: [redacted]

Official
UNCLASSIFIED

AMERICAN OVERSIGHT

From: Georges, Liza B. EOP/WHO <[redacted]> B6
Sent: Wednesday, October 10, 2018 5:16 PM
To: Moley, Kevin E <MoleyKE@state.gov>
Cc: Greer, Colleen <GreerC@state.gov>; Browne, Lisa Y <BrowneLY@state.gov>; Stull, Mari L <StullML@state.gov>
Subject: FW: APA [redacted] B5
Attach: [redacted] B5

RELEASE IN PART
B5,B6

Please see the APA below [redacted] B5

From: Office Of Presidential Scheduling
Sent: Wednesday, October 10, 2018 5:12 PM
To: Liddell, Christopher P. EOP/WHO <[redacted]>; Policy Coordinator <[redacted]>; Staff Secretary <[redacted]> B6
Subject: APA [redacted] B5

[redacted] B5

Thank you,

Office of Presidential Appointments and Scheduling

AMERICAN OVERSIGHT

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Friday, October 12, 2018 9:50 AM
To: 'Sissell, Emily K. EOP/WHO' <[redacted]>
Cc: Stull, Mari L <StullML@state.gov>
Subject: For Review: Deputy CICIG
Attach: [redacted]pdf; [redacted]pdf; CICIG.doc; signal-2018-10-04-192050.pdf; signal-2018-10-05-102120.pdf

RELEASE IN PART B6

B6

Emily-

Hope you are well! Can you please review the attached resumes for the Deputy CICIG Commissioner position? I have also included the Terms of Reference for the position in the attached.

This position is going to be filled ASAP- if you could expedite these, that would be amazing!

Best,
Maggie
Official - SBU
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RELEASE IN FULL

CICIG

International Commission Against Impunity in Guatemala

POSITION DESCRIPTION

Title: Deputy Commissioner

MAIN RESPONSIBILITY:

The Deputy Commissioner, under the authority of the CICIG Commissioner, is responsible for supporting him/her and contributing to the daily operations of CICIG and to the implementation of the Commission's mandate. In the absence of the Commissioner, the Deputy Commissioner represents the Commission before the Government of Guatemala, other States and local and international organizations.

SUMMARY OF DUTIES:

- To support the Commissioner in the supervision of CICIG's operations, including the drafting of its implementation strategy concerning its mandate, activities, administration, finances and security. The Deputy Commissioner provides substantial oversight to the Commission and its members.
- To coordinate the relations with the United Nations Country Team (UNCT) and the Security Team (SMT).
- To support the Commissioner in drafting periodic CICIG's activities reports.
- To support the Commissioner in communicating with the UNO Political Affairs Department and the United Nations Headquarters.
- To coordinate, communicate and develop contacts with the Government and state institutions to promote the objectives of CICIG.
- To represent the Commission in the absence of the Commissioner.
- To support the Commissioner in developing the completion strategy of CICIG in coordination with the UN Secretariat and the Government of Guatemala.
- To maintain close communication with Member States for better synergy and coordination.

REQUIREMENTS:

Education:

- Postgraduate University Degree (Master Degree or its equivalent) in law or a similar area. Law Degree combined with related working experience is acceptable in lieu of a postgraduate university degree.

Working Experience:

- A minimum of fifteen (15) years of experience in Law with a high professional level in the areas directly related to the CICIG mandate, particularly in criminal law, international law and human rights. The incumbent shall have demonstrated experience in the areas of

AMERICAN OVERSIGHT

research and fight against corruption. The incumbent shall possess a well-established record in management, leadership and working experience at high-level positions. Experience working with multicultural institutions is desirable.

Language skills:

- Spoken and written Spanish fluency. Knowledge of English (spoken and written) is desirable.

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RELEASE IN PART B6

From: Dougherty, Margaret R <DoughertyMR@state.gov>
Sent: Thursday, October 18, 2018 8:56 AM
To: Sissell, Emily K. EOP/WHO <[redacted]> B6
Cc: Stull, Mari L <StullML@state.gov>
Subject: For Review:
Attach: [redacted]doc; [redacted]pdf

Emily-

Hope you are well!

Attached are two AmCits who are seeking our support.

1) [redacted]

2)

Please let me know if you have any questions!

Best,
Maggie

Maggie Dougherty
Senior Policy Advisor
U.S. Mission to the United Nations (Washington)
Office: 202-736-7655
Cell: [redacted]

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AMERICAN OVERSIGHT

C06707796 U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019

RELEASE IN FULL

United Nations A/73/422

General Assembly

Distr.: General
11 October 2018

Original: English

Seventy-third session
Agenda items 117 (h) and (i)

Appointments to fill vacancies in subsidiary organs and other appointments:

Appointment of the judges of the United Nations Dispute Tribunal

Appointment of the judges of the United Nations Appeals Tribunal

Appointment of judges of the United Nations Appeals Tribunal and of the United Nations Dispute Tribunal

Memorandum by the Secretary-General

I. Introduction

1. By its resolution 62/228 on administration of justice at the United Nations, the General Assembly decided, among other matters, to establish a two-tier formal system of administration of justice, comprising a first-instance United Nations Dispute Tribunal and an appellate-instance United Nations Appeals Tribunal.

2. In the same resolution, the General Assembly decided that the judges of the Tribunals were to be appointed by the Assembly on the recommendation of the Internal Justice Council.

3. The statutes of the Tribunals were adopted by the General Assembly in its resolution 63/253, and the Tribunals became operational on 1 July 2009. The statute of the Appeals Tribunal was subsequently amended in resolutions 66/237, 69/203, 70/112 and 71/266. The statute of the Dispute Tribunal was subsequently amended in resolutions 69/203, 70/112 and 71/266.

18-16994 (E) 181018

Please recycle

AMERICAN OVERSIGHT

UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019

STATE-18-0379-A-000097

C06707796 U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019

4. The Appeals Tribunal is composed of seven judges. The following six judges are currently serving on the Appeals Tribunal:

John Raymond Murphy, President (South Africa)**

Dimitrios Raikos, First Vice-President (Greece)**

Sabine Knierim, Second Vice-President (Germany)**

Richard Lussick (Samoa)*

Deborah Thomas-Felix (Trinidad and Tobago)*

Martha Halfeld Furtado de Mendonça Schmidt (Brazil)**

5. One judicial position on the Appeals Tribunal is presently vacant following the resignation of Judge Rosalyn M. Chapman (United States of America) effective 3 November 2017. The unexpired remainder of Judge Chapman's seven-year term ends on 30 June 2019. Accordingly, there is a need to appoint a judge to fill that vacancy. In connection to the vacancy, the Internal Justice Council in paragraph 32 of its report (A/73/203) recommended that the Assembly appoint a judge to fill the vacancy created by the expiration of Judge Chapman's term, effective 1 July 2019, for the full period of a seven-year term.

6. In addition, effective 30 June 2019, the terms of office of two Appeals Tribunal Judges will expire: Judge Lussick and Judge Thomas-Felix. Accordingly, there is a need to appoint two judges to the United Nations Appeals Tribunal for a term of seven years starting on 1 July 2019.

7. The following eight judges are currently serving on the United Nations Dispute Tribunal:

Nkemdilim Amelia Izuako, President and ad litem judge based in Nairobi (Nigeria)***

Teresa Maria da Silva Bravo, full-time judge based in Geneva (Portugal)**

Rowan Downing, ad litem judge based in Geneva (Australia)***

Memooda Ebrahim-Carstens, full-time judge based in New York (Botswana)*

Alessandra Greceanu, ad litem judge based in New York (Romania)***

Goolam Hoosen Kader Meeran, half-time judge (United Kingdom of Great Britain and Northern Ireland)*

Alexander W. Hunter Jr., half-time judge (United States of America)**

Agnieszka Klonowiecka-Milart, full-time judge based in Nairobi (Poland)**

8. Effective 30 June 2019, the terms of office of two Dispute Tribunal judges will expire: Judge Ebrahim-Carstens and Judge Meeran. Accordingly, there is a need to appoint one full-time judge based in New York and one half-time judge to the United Nations Dispute Tribunal for a term of seven years starting on 1 July 2019.

* Term ends on 30 June 2019
** Term ends on 30 June 2023
*** The ad litem positions expire on 31 December 2018. This issue is being considered under agenda item 147.

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019
STATE-18-0379-A-000098

C06707796 U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019

II. Internal Justice Council

9. In its report (A/73/203), the Council recommended to the General Assembly five candidates for the three positions in the Appeals Tribunal and two candidates for each of the two positions in the Dispute Tribunal. The names of those candidates are indicated in the report and reproduced in paragraphs 12 to 14 of the present memorandum.

10. A full public process was instituted, in accordance with paragraph 45 of General Assembly resolution 65/251, to identify suitable candidates for presentation to the Assembly. The Council received 182 applications from 55 countries and, following a review of all applications, invited 53 candidates to take a common written examination to test their legal expertise and drafting ability. On the basis of the written test, the Council selected 16 applicants for interviews.

11. As it had done for the previous rounds of judicial appointments, the Council approached the relevant national bar or judicial associations for confirmation of the integrity of each recommended candidate. Written references were also requested of each candidate.

12. The five candidates recommended by the Council for appointment to the Appeals Tribunal, in alphabetical order, are:

(a) Graeme Colgan (New Zealand);

(b) Gary Donahoe (United States of America);

(c) Cécile Isidoro (France);

(d) Jean-François Neven (Belgium);

(e) Kanwaldeep Sandhu (Canada and India).

13. The two candidates recommended by the Council for full-time appointment to the Dispute Tribunal in New York, in alphabetical order, are:

(a) Joëlle Adda (France);

(b) Ole Jan van Leeuwen (Netherlands).

14. The two candidates recommended by the Council for half-time appointment to the Dispute Tribunal, in alphabetical order, are:

(a) Francesco Buffa (Italy);

(b) Angela Henke (Germany).

15. The candidates' curricula vitae are provided in annexes II and III to the Council's report (A/73/203).

III. Procedure in the General Assembly

16. The appointment of the judges of the Appeals Tribunal will be made in accordance with:

(a) The statute of the Appeals Tribunal;

(b) The rules of procedure of the General Assembly;

(c) The recommendations of the Internal Justice Council as set out in paragraph 35 of its report to the General Assembly (A/73/203).

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019
STATE-18-0379-A-000099

C06707796 U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019

17. The appointment of judges to the Appeals Tribunal is addressed in article 3 of its statute, which states, in relevant part, as follows:

> "1. The Appeals Tribunal shall be composed of seven judges.
>
> "2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.
>
> "3. To be eligible for appointment as a judge, a person shall:
>
> "(a) Be of high moral character and impartial;
>
> "(b) Possess at least 15 years of aggregate judicial experience in the field of administrative law, employment law or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards 5 of the qualifying 15 years;
>
> "(c) Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal.
>
> "4. A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal.
>
> "5. A judge of the Appeals Tribunal appointed to replace a judge whose term of office has not expired shall hold office for the remainder of his or her predecessor's term and may be reappointed for one non-renewable term of seven years, provided that the unexpired term is less than three years."

18. The appointment of judges to the Dispute Tribunal will be made in accordance with:

(a) The statute of the Dispute Tribunal;

(b) The rules of procedure of the General Assembly;

(c) The recommendations of the Internal Justice Council as set out in paragraphs 36 and 37 of its report to the General Assembly (A/73/203).

19. The appointment of judges to the Dispute Tribunal is addressed in article 4 of its statute, which states, in relevant part, as follows:

> "1. The Dispute Tribunal shall be composed of three full-time judges and two half-time judges.
>
> "2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.
>
> "3. To be eligible for appointment as a judge, a person shall:
>
> "(a) Be of high moral character and impartial;
>
> "(b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions.
>
> "(c) Be fluent, both orally and in writing, in English or French.

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019
STATE-18-0379-A-000100

C06707796 U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019

"4. A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal."

20. It is proposed that the General Assembly proceed to appoint the judges through an election, held pursuant to the rules of procedure of the Assembly, bearing in mind paragraph 58 of Assembly resolution 63/253, in which the Assembly invited Member States, when electing judges to the Tribunals, to take due consideration of geographical distribution and gender balance.

21. Only those candidates recommended by the Internal Justice Council whose names appear in paragraphs 12 to 14 of the present memorandum are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing a cross against each name on the ballot papers. Each elector may vote for no more than the number of judicial positions in the Appeals Tribunal and the Dispute Tribunal to be filled at the present election.

22. Those candidates who obtain the highest number of votes, and a majority of votes in the General Assembly of the members present and voting, will be considered to be elected and thereby appointed by the Assembly to the Tribunals.

23. Balloting shall continue in accordance with the rules of procedure until as many candidates as are required to fill the elective positions in the Appeals and Dispute Tribunals have obtained, in one or more ballots, a majority of votes of the members present and voting.

AMERICAN OVERSIGHT
UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707796 Date: 05/16/2019
STATE-18-0379-A-000101

C06707797 U.S. Department of State Case No. F-2018-04761 Doc No. C06707797 Date: 05/16/2019

United Nations A/73/203

General Assembly

Distr.: General
19 July 2018

Original: English

RELEASE IN FULL

Seventy-third session
Items 115 (h) and (i) of the preliminary list*

Appointments to fill vacancies in subsidiary organs and other appointments:

Appointment of the judges of the United Nations Dispute Tribunal

Appointment of the judges of the United Nations Appeals Tribunal

Appointment of judges of the United Nations Appeals Tribunal and of the United Nations Dispute Tribunal

Report of the Internal Justice Council

Summary

The present report outlines the selection exercise undertaken by the Internal Justice Council, in accordance with the mandates of the General Assembly, to identify suitable candidates for two judicial vacancies at the United Nations Dispute Tribunal and three judicial vacancies at the United Nations Appeals Tribunal for the consideration of, and appointment by, the Assembly at its seventy-third session.

* A/73/50.

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AMERICAN OVERSIGHT

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I. Introduction

1. Effective 1 July 2009, the General Assembly established a system of administration of justice at the United Nations that addresses employment-related disputes. Pursuant to Assembly resolution 62/228, the system comprises, inter alia, a first-instance United Nations Dispute Tribunal and an appellate-instance United Nations Appeals Tribunal. By the same resolution, the Assembly decided that the judges of the Dispute Tribunal and the Appeals Tribunal should be appointed by the Assembly on the recommendation of the Internal Justice Council. The members of the Council are: Carmen Artigas (Uruguay), external jurist nominated by staff; Frank Eppert (United States of America), representative nominated by management; Samuel Estreicher (United States of America), external expert nominated by management; Jamshid Gaziyev (Uzbekistan), representative nominated by staff; and Yvonne Mokgoro (South Africa), jurist serving as Chair.

2. The current judges of the Appeals Tribunal are: Sabine Knierim, judge and Second Vice-President (Germany); Richard Lussick, judge (Samoa); John Raymond Murphy, judge and President of the Tribunal (South Africa); Dimitrios Raikos, judge and First Vice-President (Greece); Deborah Thomas-Felix, judge (Trinidad and Tobago); and Martha Halfeld Furtado de Mendonça Schmidt, judge (Brazil).

3. On 3 November 2017, Judge Rosalyn Chapman (United States) resigned from her appointment as judge on the Appeals Tribunal. Judge Chapman's position is currently vacant.

4. On 30 June 2019, the term of office of Judge Lussick will expire. Under article 3, paragraph 4, of the statute of the Appeals Tribunal,[1] the Judge is not eligible for reappointment.

5. Also on 30 June 2019, the term of office of Judge Thomas-Felix will expire. Judge Thomas-Felix is serving the remainder of the seven-year term of Judge Jean Courtial (France), who resigned from the Appeals Tribunal effective 31 December 2013. Given that Judge Thomas-Felix has served since 10 December 2014, she will have served more than three years by the end of her term, on 30 June 2019, and thus, under article 3, paragraph 5, of the statute of the Appeals Tribunal,[2] is not eligible for reappointment.

6. Consequently, and in addition to one further vacancy, two vacancies on the Appeals Tribunal will have arisen on 1 July 2019.

7. The current judges of the Dispute Tribunal are: Teresa Maria da Silva Bravo (Portugal), full-time judge based in Geneva; Rowan Downing (Australia), ad litem judge based in Geneva; Memooda Ebrahim-Carstens (Botswana), full-time judge based in New York; Alessandra Greceanu (Romania), ad litem judge based in New York; Alexander W. Hunter, Jr. (United States of America), half-time judge; Nkemdilim Amelia Izuako (Nigeria), ad litem judge and President of the Tribunal, based in Nairobi; Agnieszka Klonowiecka-Milart (Poland), full-time judge based in

[1] Art. 3, para. 4, of the statute of the Appeals Tribunal provides: "A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal".

[2] Art. 3, para. 5, of the statute of the Appeals Tribunal provides: "A judge of the Appeals Tribunal appointed to replace a judge whose term of office has not expired shall hold office for the remainder of his or her predecessor's term and may be reappointed for one non-renewable term of seven years, provided that the unexpired term is less than three years".

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Nairobi; and Goolam Hoosen Kader Meeran (United Kingdom of Great Britain and Northern Ireland), half-time judge.

8. On 30 June 2019, the term of office of Judge Ebrahim-Carstens and Judge Meeran (half-time) will expire. Under article 4, paragraph 4, of the statute of the Dispute Tribunal,[3] the two judges are not eligible for reappointment.

9. Consequently, there are two vacancies (one full-time position and one half-time position) on the Dispute Tribunal from 1 July 2019 as follows:

- One full-time judge in New York
- One half-time judge, who would serve for six months each year in one or more of the three locations of the Dispute Tribunal, as assigned by the President of the Tribunal

10. The present report provides the names and curricula vitae of candidates for the vacant positions recommended by the Internal Justice Council for the consideration of the General Assembly, in accordance with the respective statutes of the Tribunals and the relevant resolutions of the Assembly. The report also provides an outline of the selection exercise undertaken by the Council to identify suitable candidates for recommendation for each position. The recommendations of the Council of qualified candidates for existing vacancies bear no prejudice to the ongoing consideration of the Assembly of the future of ad litem positions.

11. The Council expresses its gratitude to the Secretariat, in particular the Office of Administration of Justice, the Office of Human Resources Management and the Executive Office of the Secretary-General for the outstanding administrative support that it has provided to the Council in the recruitment process. The Council would also like to thank the International Residual Mechanism for Criminal Tribunals, The Hague branch, for its on-site support and for making its facilities available to the Council.

II. Background

12. In paragraph 45 of its resolution 65/251, the General Assembly established the procedure to be followed to identify suitable candidates for presentation to the Assembly. The Assembly requested the Secretary-General, in order to attract a pool of outstanding candidates reflecting appropriate language and geographical diversity, diverse legal systems and gender balance, to advertise Tribunal vacancies widely in appropriate journals in English and French, and to disseminate information relating to the judicial vacancies to Chief Justices and to relevant associations, such as judges' professional associations, if possible, before the vacancies arise.

13. On 2 February 2018, the official vacancy announcement was prepared by the Internal Justice Council and posted on the website of the Office of Administration of Justice in both English and French.

14. Advertisements for the vacancies were placed in an online edition of *The Economist*, in print and online editions of *Jeune Afrique*, on the professional networking website LinkedIn and on the media platform Devex. In the

[3] Art. 4, para. 4, of the statute of the Dispute Tribunal provides: "A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal".

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advertisements, readers were referred to the United Nations vacancy announcement on the Office of Administration of Justice website.

15. The vacancy announcement was also attached to a note verbale addressed to all permanent missions to the United Nations. In the note verbale, permanent missions were invited to bring the vacancy announcement to the attention of qualified nationals, and to the chief justice or head of the judiciary, of their country.

16. The official vacancy announcement was also widely circulated, including to more than 600 judicial and judges' associations, including national and international associations of women judges, ministries of justice, international organizations and institutions and international courts and tribunals.

17. The closing date for the applications was initially 31 March 2018. The Council subsequently decided to extend the application deadline to 21 April 2018 with a view to providing further opportunity to receive applications. The vacancy announcement was accordingly amended, and permanent missions to the United Nations were informed of the extended deadline through a note verbale. The text of the vacancy announcement in English is included in annex I to the present report.

18. The Council received in total 182 applications from 55 countries and from all six regions of the world. Of the applicants, 99 were male and 83 were female.

19. Most applicants expressed a preference or restriction with regard to the tribunal on which they were prepared to serve or the type of appointment (full-time or half-time). Many were not able to accept half-time appointments to the Dispute Tribunal. The Council respected such limitations.

20. The Council reviewed each application and writing sample provided by the applicants. Applications that did not meet the eligibility requirements of the respective statutes of the Dispute Tribunal or the Appeals Tribunal, as set out in the vacancy announcement, were excluded from further consideration, with no exceptions.

21. After having reviewed all the applications, the Council invited 53 candidates to take a common written assessment, in English or French, according to the candidate's choice, to test their legal expertise and drafting ability.

22. The Council had previously prepared the written assessment and relevant background materials, consisting of extracts from the Staff Regulations and Rules of the United Nations, the Secretary-General's bulletin and two administrative instructions, and agreed on a common standard of assessment that would be applied to all candidates.

23. The written assessment and background materials were sent to the candidates by email on 11 and 12 May 2018, according to the candidate's choice. The candidates were given three hours from the time of opening the email to complete the examination and submit their answers. The Office of Administration of Justice provided all the completed and received examinations to each member of the Council for review and marking, after having eliminated all identifying elements in the examinations so that no Council member would know the name, nationality, gender or other identifying information about the candidate.

24. On the basis of the written assessment, the Council selected 16 applicants to be interviewed for the five vacant positions. Many of the candidates applied for positions on both Tribunals. To be selected for the interview, candidates had to display in their written assessments the writing skills and strength of legal analysis necessary for them to serve as excellent judges on the Tribunals.

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25. As had been done in the previous rounds of judicial appointments, the Council approached the relevant national bar or judicial associations for confirmation of the integrity of each recommended candidate. Written references were also requested of each candidate.

26. The candidates who had passed the written assessment were interviewed on the premises of the International Residual Mechanism for Criminal Tribunals, The Hague branch, between 25 and 28 June 2018.

III. Selection process

A. Mandates of the General Assembly

27. In paragraph 37 (b) of its resolution 62/228, the General Assembly decided that the Council should provide its views and recommendations to the Assembly on two or three candidates for each vacancy in the Dispute Tribunal and the Appeals Tribunal, with due regard to geographical distribution.

28. In paragraph 57 of its resolution 63/253, the General Assembly decided that the Council should not recommend more than one candidate from any one Member State for a judgeship on the Dispute Tribunal, or more than one candidate from any one Member State for a judgeship on the Appeals Tribunal.

B. Eligibility criteria

29. The statutes of the Dispute Tribunal and of the Appeals Tribunal, adopted by the General Assembly in its resolution 63/253 and further amended in subsequent resolutions, provide for eligibility criteria for the respective judgeships.

30. Article 4 of the statute of the Dispute Tribunal provides in relevant part as follows:

> 2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.
>
> 3. To be eligible for appointment as a judge, a person shall:
>
> (a) Be of high moral character and impartial;
>
> (b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions;
>
> (c) Be fluent, both orally and in writing, in English or French.
>
> 4. A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal.

31. Article 3 of the statute of the Appeals Tribunal provides in relevant part as follows:

> 2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General

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Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

3. To be eligible for appointment as a judge, a person shall:

(a) Be of high moral character and impartial;

(b) Possess at least 15 years of aggregate judicial experience in the field of administrative law, employment law or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards 5 of the qualifying 15 years;

(c) Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal.

4. A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal.

32. As indicated in paragraph 3 above, there is currently a vacancy on the bench of the United Nations Appeals Tribunal as a result of the resignation of Judge Chapman. The Council does not recommend that the General Assembly immediately appoint a judge to complete Judge Chapman's term, which will expire on 30 June 2019. The reason is that the appointee would only be eligible to serve until that date and, while eligible for reappointment under article 4, paragraph 5, of the statute of the Dispute Tribunal, would have to apply for reappointment. Instead, the Council recommends that the Assembly appoint a judge to fill the vacancy created by the expiration of Judge Chapman's term, effective 1 July 2019, for the full period of a seven-year term. The President of the Appeals Tribunal has indicated to the Council that the Tribunal can manage its current workload of cases if the vacancy is not filled immediately. In making its recommendation, the Council also took into account that the proposed way forward would avoid the necessity for, and the expense of, another judicial recruitment exercise.

C. Conclusion and recommendations

33. In the light of the above-mentioned mandates, eligibility criteria and results of the selection exercise, including the written assessment and the interview process, the Council recommends a total of five candidates for the three vacancies at the Appeals Tribunal, and two for each vacant position at the Dispute Tribunal. No recommended candidate is of the same nationality as that of a sitting judge scheduled to serve from 1 July 2019 on the particular Tribunal. The names of the candidates are provided in section IV below and their curricula vitae are set out in annexes II and III.[4]

[4] The curricula vitae as presented by the candidates in the prescribed application form are available from the Office of Administration of Justice.

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IV. Recommended candidates

A. Recommendations for the three vacancies in the United Nations Appeals Tribunal

34. In its resolution 62/228, the General Assembly decided that the Internal Justice Council should provide it with its views and recommendations on two or three candidates for each judicial vacancy in the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. After an extensive and rigorous recruitment exercise, the Council strictly applied due diligence in vetting and reviewing candidates against the requirements established by the Assembly. As a result, the Council determined that only five of the final applicants had fully met eligibility standards and were thus suitable to be recommended to the Assembly for its consideration.

35. For the three vacant positions in the Appeals Tribunal, the Council recommends the following candidates: Graeme Colgan (New Zealand), Gary Donahoe (United States of America), Cécile Isidoro (France), Jean-François Neven (Belgium) and Kanwaldeep Sandhu (Canada and India).

B. Recommendations for the full-time vacancy in the United Nations Dispute Tribunal

36. For the vacant full-time position in the Dispute Tribunal, the Council strongly recommends Joëlle Adda (France) and considers Ole Jan van Leeuwen (Netherlands) to be equally qualified for the position.

C. Recommendations for the half-time vacancy in the United Nations Dispute Tribunal

37. For the vacant half-time position in the Dispute Tribunal, the Council strongly recommends Angela Henke (Germany) and considers Francesco Buffa (Italy) to be equally qualified for the position.

(*Signed*) Yvonne **Mokgoro**

(*Signed*) Carmen **Artigas**

(*Signed*) Samuel **Estreicher**

(*Signed*) Frank **Eppert**

(*Signed*) Jamshid **Gaziyev**

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Annex I

Official vacancy announcement for the vacant positions in the Tribunals

United Nations

Judges of the United Nations internal justice system

The United Nations is seeking judges for its internal system of administration of justice that addresses employment-related disputes.

The internal justice system includes a first instance United Nations Dispute Tribunal (UNDT) and an appellate instance United Nations Appeals Tribunal (UNAT).

The UNDT sits in New York, Geneva and Nairobi and is comprised of three full-time judges, two half-time judges and three ad litem judges. The full-time and half-time judges serve for seven-year terms.

The UNAT is comprised of seven judges, who also serve for a fixed seven-year term. UNAT currently holds three sessions each year, each of two weeks duration. During its sessions, UNAT exercises its functions in New York but it may decide to hold sessions in Geneva, Nairobi or another duty station, as required by its caseload.

The terms of four judges (one full-time judge and one half-time judge of the UNDT and two judges of the UNAT) will expire on 30 June 2019. There is an additional vacancy on the UNAT due to the resignation of incumbent judge.

The United Nations is undertaking the present selection process to fill these five vacancies. In particular, the United Nations is inviting applications for:

- One full-time judge for the UNDT in New York (for a non-renewable seven-year term starting on 1 July 2019)
- One half-time judge for the UNDT (who serves for six months of a year in one of the three locations of the UNDT — New York, Geneva and Nairobi, as assigned by the President) (for a non-renewable seven-year term starting on 1 July 2019)
- Three judges for the UNAT (two judges for a non-renewable seven-year term starting on 1 July 2019 and one judge for a term of office ending on 30 June 2019, with a possibility of re-appointment for one non-renewable term of seven years)

Mandatory qualifications for judges of the UNDT

1. All persons applying to serve as a judge of the UNDT must be of high moral character and impartial.

2. Candidates must have at least 10 years of judicial experience (i.e. experience as a judge or equivalent) in the field of administrative law, or the equivalent (e.g., employment law) within one or more national jurisdictions.

3. English and French are the working languages of the United Nations. All candidates must be fluent, both orally and in writing, in English or French in order to conduct judicial proceedings and draft decisions in either of the two languages.

A current or former judge of UNAT is ineligible to serve in the UNDT.

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Mandatory qualifications for judges of UNAT

1. All persons applying to serve as a judge of UNAT must be of high moral character and impartial.

2. Candidates must have at least 15 years of aggregate judicial experience (i.e., experience as a judge or equivalent) in the field of administrative law, employment law, or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards five of the qualifying 15 years.

3. English and French are the working languages of the United Nations. All candidates must be fluent, both orally and in writing, in English or French in order to conduct judicial proceedings and draft decisions in either of the two languages.

A current or former judge of the UNDT is ineligible to serve in UNAT.

Applications

Interested candidates are invited to apply by completing the prescribed application form in either English or French, available at http://www.un.org/en/oaj/unjs/docs/JudicialApplFormEN.doc (in English) and http://www.un.org/en/oaj/unjs/docs/JudicialApplFormFR.doc (in French), and sending the completed form by email to internaljusticecouncil-application@un.org to be received by 11:59 p.m. (U.S. Eastern Daylight Time on 21 April 2018.

Candidates must also provide an example of a judgment he or she drafted and delivered, or a legal opinion or other equivalent written work (translated into English or French if the original is in another language). The example should not exceed 20 pages (if the example is longer, an excerpt no longer than 20 pages shall be provided).

Candidates who do not meet the mandatory qualifications set out above or who do not apply using the prescribed form will not be considered. The form must be completed electronically (handwritten forms will not be accepted).

Eligible persons may apply to both the UNDT and UNAT through one application form.

Candidates under serious consideration for selection will be subject to reference checks to verify the information provided in the application, required to prepare a draft opinion based on a hypothetical fact pattern, and will be interviewed by the Council.

Applications from women are strongly encouraged.

Remuneration package and additional information

As per General Assembly resolution 63/253, the UNDT judges are remunerated at a level equivalent to D-2, step IV, on the United Nations salary scale for the Professional and higher categories. (For indicative purposes, the annual net salary levels at D-2, step IV, including post adjustment, in effect as from 1 January 2018 are as follows: $188,594 (New York), $199,486 (Geneva) and $149,270 (Nairobi)). Other benefits and entitlements of the UNDT judges include: annual leave, dependency allowances, medical and dental insurance, rental subsidy, education grant for children, home leave, paid sick leave; maternity/paternity/adoption leave.

UNAT judges receive an honorarium of $2,400 for each judgment for the principal author, and $600 for each judge signatory. The adjudication of interlocutory motions

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by a single judge is remunerated at the rate of $600. The United Nations also covers travel expenses and daily subsistence allowance for the duration of UNAT sessions.

The qualifications and terms of judicial office of the judges and the articles governing the operation of the Tribunals are set out in the Statutes of the UNDT and UNAT available at www.un.org/en/oaj (in English) and www.un.org/fr/oaj (in French).

A judge of the UNDT or UNAT shall not be eligible for any other appointment within the United Nations, except another judicial post, for a period of five years following his or her term of office.

The judges shall be appointed by the General Assembly from a list of two or three candidates recommended for each vacancy by the Internal Justice Council (IJC), an independent body established by the General Assembly. The IJC will also create a roster of candidates who, while they are not submitted to the General Assembly for appointment, will be eligible for nomination in case an unanticipated vacancy occurs (e.g., through resignation) among the full-time, half-time or ad litem UNDT judges or UNAT judges.

Due to the sheer volume of expected applications, the Council will not be in a position to respond to any enquiries regarding the selection process, and will further contact only those applicants who will have moved forward in the selection process.

More information on the system of administration of justice can be found at www.un.org/en/oaj (in English) or www.un.org/fr/oaj (in French).

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Annex II

Curricula vitae of candidates recommended for the three vacant judicial positions in the United Nations Appeals Tribunal (in alphabetical order)*

Graeme Colgan (New Zealand)

Date of birth	14 July 1953
Present position	Barrister and Employment Law Specialist
Education (degrees)	
1975	Bachelor of Laws (with Honours), University of Auckland
Professional experience	
2017–present	Barrister and Employment Law Specialist (self-employed)
1989–2017	Judge of the Employment Court (both first instance or trial, and appellate courts); Chief Judge from 2005–2017
1987–1989	Barrister (self-employed)
1981–1987	Barrister and Solicitor, Haigh Lyon & Co
1976–1980	Barrister and Solicitor, Haigh Lyon & Co
Publications	Several academic publications
Associations	Professional Complaints Committee of the Association of Mediators and Arbitrators of New Zealand;
	New Zealand Football Appeals Committee;
	Auckland District Law Society;
	New Zealand Law Society;
	New Zealand bar Association;
	New Zealand Labour Law Association;
	Legal research Foundation;
	Australian Labour Law Association;
	Association of Workplace Investigators (Australasia);
	Association of Mediators and Arbitrators of New Zealand (Associate Member);
	Employment Law Institute of New Zealand (Life Member);
	LAWASIA (Employment Law Committee)
Languages	English (native)

* Curricula vitae are issued without formal editing.

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Gary Donahoe (United States of America)

Date of birth	10 August 1948
Present position	Retired; on-call Superior Court Judge
Education (degrees)	
1979	Juris Doctorate, University of Arizona
1972	Master of Science, University of Arizona
1970	Bachelor of Arts, University of Arizona
Professional experience	
2000–2011	Judge of Arizona Superior Court (awards: the Phoenix Chapter of the American Board of Trial Advocates "Judge of the Year" (2004); the State Bar of Arizona's "Award of Special Merit" (2007); "Judicial Award of Excellence" from the Public Lawyers' Section of the State Bar of Arizona (2008.; the Arizona Association for Justice's "Judicial Integrity Award" (2012); contemporaneous positions: chairperson of the State Bar Criminal Jury Instruction Committee (2005–2010); Rule 32 (Post-Conviction Relief) Management Unit Judge (2008–2011); the Criminal Department Presiding Judge (2009–2010); and the Probate Department Associate Presiding Judge (2010–2011))
1990–2018	(part-time) Faculty for Arizona Judicial College's programs including New Judge Orientation, Arizona Probation Officer Certification Academy and Civil Traffic Hearing Officer Training
1989–2000	Court Commissioner/Judge Pro Tem, Maricopa County
1979–1989	Attorney (Partner), Robbins & Green P.C.
1973–1976	Director of Planning, Northern Arizona Council of Governments
Publications	Arizona Civil Remedies (4th Ed.) (contributor);
	Arizona Eviction Action Primer (16 editions);
	Arizona Provisional Remedies Primer (co-author)
Associations	State Bar of Arizona (judicial member);
	City of Scottsdale Board of Adjustment (Vice-Chair)
Languages	English (native)

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Cécile Isidoro (France)

[Original: English/French]

Date of birth	17 November 1971
Present position	Judge, Council of State
Education (degrees)	
2002	Ph.D. in Law, University of Paris II Panthéon-Assas
1995	Master of Laws, University of Paris II Panthéon-Assas
1995	Graduate of the Institute of the Paris Institute of Political Studies
1994	Bachelor of Laws, University of Paris II Panthéon-Assas
Professional experience	
2009–present	Judge, Council of State
2006–2009	Judge, Administrative Court of Appeal of Paris
2004–2006	Judge, Administrative Court of Paris
2001–2004	Jurist, Directorate of Legal Affairs, Ministry of Foreign Affairs
1998–2001	Judge, Administrative Court of Paris
Publications	*L'ouverture du marché de l'électricité à la concurrence communautaire et sa mise en œuvre en France, en Allemagne, en Italie et au Royaume-Uni*, LGDJ, 2006;
	La Constitution de la République française, collective work (editing of commentary on two articles of the Constitution), *Economica, 2009*
Languages	French (native);
	English (fluent)

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Jean-François Neven (Belgium)

[Original: English/French]

Date of birth	29 September 1962
Present position	President of the Chamber, Employment Court of Appeal (Brussels)
Education (degrees)	
1986	Master of Laws, Free University of Brussels
1985	Bachelor of Laws, Catholic University of Louvain
Professional experience	
2017–present	President of the Chamber, Employment Court of Appeal (Brussels)
2017–2018	(part-time) Lecturer, Free University of Brussels
2013–2018	(part-time) President, Administrative commission on employment
2009–2014	(part-time) Magistrate, Document centre of the Court of Cassation
2008–2017	Judge, Employment Court of Appeal (Brussels)
2007–2018	(part-time) Lecturer, Catholic University of Louvain
2002–2008	Judge, Employment Court of Brussels
1997–2003	(part-time) Lecturer, Saint-Louis Higher Institute of Business
1995–2002	(part-time) Speaker, Solvay Business School
	1987–2002 Attorney, Brussels Bar
Publications	La Charte sociale européenne et son application aux étrangers en séjour irrégulier, with J. MARTENS, in *Charte sociale européenne, Droits sociaux et droits fondamentaux au travail*, S. van DROOGHENBROECK, F. DORSSEMONT, G. VAN LIMBERGHEN (eds.), La Charte, Association belge pour le droit du travail et de la sécurité sociale, 2016, pp. 149–171;
	Piquets de grève : les suites de la décision du Comité européen des Droits sociaux du 13 septembre 2011, in *Droit de grève : actualités et questions choisies*, F. KRENC (ed.), Larcier, Jeune Barreau de Bruxelles, 2015, pp. 35–58;
	La consolidation du devoir d'assistance des Etats envers les mineurs étrangers en séjour irrégulier, with J. MARTENS, R.T.D.H., 2014, pp. 167–194
	Le droit anti-discrimination, facteur d'évolution du droit du travail, in *Les droits de l'homme au quotidien,* Jeune barreau de Mons, Anthémis, 2014, pp. 9–27;

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Le droit européen de la non-discrimination : un impact décisif en faveur d'une obligation généralisée de reclassement professionnel ?, in *Le maintien au travail de travailleurs devenus partiellement inaptes*, Anthémis, 2013, pp. 35–60;

La charge du fardeau de la preuve en matière de harcèlement et de discrimination, with S. GILSON and F. LAMBINET, R.D.S. 2013, pp. 397–452;

Les piquets de grève, la procédure sur requête unilatérale et les pouvoirs du juge des référés après la décision du Comité européen des Droits sociaux du 13 septembre 2011, R.D.S., 2012, pp. 389–428;

Cumul des sanctions administrative et pénale en matière de chômage : la Cour de cassation ignore-t-elle la jurisprudence de Strasbourg sur l'identité d'infraction ?, with H. MORMONT, *J.T.*, 2011, pp. 651–655;

Les principes généraux : les dispositions internationales et constitutionnelles, in *Vie privée du travailleur et prérogatives patronales,* J.-Fr. LECLERCQ (ed.), Brussels, Jeune Barreau, 2005, pp. 15–53;

Allocations familiales : les enjeux du transfert, à mi-parcours, in *L'impact de la sixième réforme de l'Etat sur la sécurité sociale et le marché du travail : regards de juristes,* D. Dumont (ed.), with V. FLOHIMONT, R.B.S.S., 2015/2, pp. 227–264;

Réparation selon le droit commun des fautes des institutions de sécurité sociale, in *Regards croisés sur la sécurité sociale*, Commission Université-Palais, Anthémis, 2012, pp. 247–275;

Les pouvoirs du juge dans le contentieux de la sécurité sociale, with H. MORMONT in *Le contentieux de la sécurité sociale*, Anthémis, 2012, pp. 417–458;

Les droits à la sécurité sociale, à l'aide sociale, médicale et juridique, with E. DERMINE, S. PALATE and S. GILSON, in *Les droits constitutionnels en Belgique,* M. VERDUSSEN and N. BONBLED (eds.), Brussels, Bruylant, 2011, pp. 1292–1351;

Aspects sociaux des subventions et subventions en droit social, with M. OSWALD and S. PALATE, in *Les subventions*, D. RENDERS (ed.), Brussels, Larcier, 2011, pp. 497–606;

Commentaire d'arrêts de la Cour Constitutionnelle, in *Les grands arrêts de la Cour Constitutionnelle en droit social,* Ch.-E. CLESSE (coord.), Brussels, Larcier, 2010;

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UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06707797 Date: 05/16/2019
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C06707797 U.S. Department of State Case No. F-2018-04761 Doc No. C06707797 Date: 05/16/2019

Principes de bonne administration et responsabilités de l'O.N.S.S., with D. DE ROY, in *La sécurité sociale des travailleurs salariés. Assujettissement, cotisations, sanctions*, J.-Fr. NEVEN and S. GILSON (coord.), Brussels, Larcier, 2010, pp. 507–564;

La loi « statut unique » et les mesures d'accompagnement. Une vraie réforme du droit du congé, un pas vers la fin de la distinction des régimes « ouvriers » v. « employés », with P.-P. van GEHUCHTEN, J.T., 2015, pp. 309–322;

Harmonisation des statuts entre ouvriers et employés. La période oubliée (du 9 juillet au 31 décembre 2013), in *L'harmonisation des statuts entre ouvriers et employés,* F. KEFER (ed.), AJPDS – CLJB Liège, Anthémis, 2014, pp. 411–432;

A la recherche d'une méthode efficace de participation financière des travailleurs in *Quelques propos sur la rupture du contrat de travail. Hommage à Pierre Blondiau*, S. GILSON (coord.), Louvain-la-Neuve, Anthémis, 2008, pp. 337–381;

Le contrôle de légalité des conventions collectives de travail, with P. JOASSART, in *Les 40 ans de la loi du 5 décembre 1968 sur les conventions collectives de travail,* J-Ph. CORDIER (coord.), Brussels, Bruylant, 2008, pp. 63–106

Associations

L'Association belge pour le droit du travail et de la sécurité sociale (ABETRASS; founding member);

Academic Network on the European Social Charter and Social Rights (ANESC; member);

Support committee for the case-law project of the Service for the Prevention of Poverty, Insecurity and Social Exclusion (public body responsible for evaluating the enjoyment of fundamental rights by socioeconomically disadvantaged persons); member of the editorial board of Revue de Droit Social (RDS/TSR) (la Charte publisher; member);

Chroniques de droit social, editorial board (Editions Kluwer; member);

Website www.justice-en-ligne.be (author and member)

Languages

French (native);

English (good)

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Kanwaldeep Sandhu (Canada and India)

Date of birth	26 November 1965
Present position	Chair/Chief Executive Officer, Province of British Columbia, Ministry of Attorney General, Property Assessment Appeal Board
Education (degrees)	
1989	Bachelor of Laws, University of British Columbia School of Law
1986	Bachelor of Arts (Political Science), University of British Columbia
Professional experience	
2015–present	Chair/Chief Executive Officer, Province of British Columbia, Ministry of Attorney General, Property Assessment Appeal Board
2011–present	(part-time) Instructor, British Columbia Council of Administrative Tribunals
2007–present	(part-time) Vice-Chair, Province of British Columbia, Surface Rights Board
2001–2015	Vice-Chair, Province of British Columbia, Property Assessment Appeal Board
1999–2000	Counsel, Adult Guardianship Division, Public Guardian & Trustee of British Columbia
1997–1999	(part-time) Chairperson, Government of Canada Board of Referees, Employment Insurance Appeals now under the new Social Security Tribunal of Canada
1994–1997	Partner, Sandhu & Co
1993–1994	Counsel, Insurance Corporation of British Columbia
Publications	"The Use of Technology at the Property Assessment Appeal Board of B.C.", CCAT-BCCAT Symposium, "On the Edge of Sea and Sky", May 2017; "Practical Issues Before the Property Assessment Appeal Board: The Board's Perspective", CLE, Real Property Assessment & Taxation Course, May 2017
Associations	
1990	Called to the Bar of the Province of British Columbia (currently a non-practising member of the Law Society of B.C.); Circle of Chairs an organization of all chairs of administrative tribunals in British Columbia (Vice-Chair); British Columbia Council of Administrative Tribunals (BCCAT) (President 2010–2012, prior to which Secretary and Director; Chair of the 2009, 2010 and 2011 Educational Conferences for BCCAT; Member of

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	committee for development of AdminLaw.bc.ca website; Editor of BCCAT Newsletter 2005–2009)
	Recipient of BCCAT's Award for Exceptional Service to the Administrative Tribunal Community in B.C.
Languages	English (native)

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Annex III

Curricula vitae of candidates recommended for the vacant judicial positions in the United Nations Dispute Tribunal*

A. Curricula vitae of candidates recommended for the vacant full-time judicial position in the United Nations Dispute Tribunal

Joëlle Adda (France)

[Original: English/French]

Date of birth	2 May 1953
Present position	President of the National Court of Asylum
Education (degrees)	
2008	Institute of Higher National Defence Studies
1989	French National School of Administration (ENA)
1978	Teacher's diploma in history and geography
1974	Masters of Arts (History; summa cum laude)
Professional experience	
2017–present	President of the National Court of Asylum
2017	(part-time) Visiting professor, University of Iowa College of Law
2014–2017	President of the Administrative Court in Lille
2013–2014	Presiding judge of the Fifth Chamber of the Administrative Court of Appeal in Paris
2010–2013	Legal Director of *Société du Grand Paris*
2009–2010	Deputy presiding judge of the Second Chamber of the Administrative Court of Appeal in Paris
2009–2010	(part-time) Professor of administrative law, French National School of Administration (ENA)
2005–2009	Head of the legal department of the *Autorité de régulation des communications électroniques et des Postes*
2002–2005	Judge of the Administrative Court of Appeal in Paris
2000–2002	National expert on special assignment at the European Commission's legal service
1989–2000	(part-time) Lecturer in administrative law, University of Paris II
1996–2000	Judge of the Administrative Court of Appeal in Paris
1995–1997	(part-time) Lecturer in administrative law, the Paris Institute of Political Studies
1994–1996	Judge of the Court of Audit

* Curricula vitae are issued without formal editing.

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1989–1994	Judge of the Administrative County Court in Versailles
Publications	Numerous articles in the journal *Concurrences (chronique « Régulation »);*
	Numerous legal articles in *« la lettre de l'Autorité »;*
	Les pouvoirs de police du Maire, Berger Levrault;
	Code électoral commenté, Berger Levrault;
	Numerous articles on the Mediterranean region in the journal *« Politique étrangère »*
Associations	Association Française des femmes jurists;
	Société de législation compare;
	Association des juges de l'asile;
	Association des juristes Européens
Languages	French (native);
	English (fluent)

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Ole Jan van Leeuwen (Netherlands)

Date of birth	1 May 1960
Present position	Senior Judge (Vice-President), Cantonal Judge in the Amsterdam District Court, civil law department and cantonal court
Education (degrees)	
1984	Master of Laws, University of Utrecht
Professional experience	
2006–present	Senior Judge (Vice-President), Cantonal Judge in the Amsterdam District Court, civil law department and cantonal court
2008–present	(part-time) President/Chairperson (since 2015; Judicial Member 2010–2015), Disciplinary Court for the Public Notaries
2013–present	(part-time) member of the Recusal Chamber of the Amsterdam District Court
2015–present	(part-time) Core team member of the project team for improvement of the governance and efficiency of the judiciary in Bosnia and Herzegovina, Amsterdam District Court in cooperation with Netherlands Council for the Judiciary and the Norwegian council
2000–2006	Attorney, Loyens & Loeff attorneys
1996–2000	Legal Counsel, PricewaterhouseCoopers
1991–1996	Attorney, Van Mens & Wisselink (presently Taxand Netherlands)
1986–1990	Attorney, Stibbe
1985–1986	Legal Assistant to the court-martial, Dutch Ministry of Defence
Associations	Dutch Association for the Judiciary
Languages	Dutch (native); English (fluent); French (good); German (fluent); Italian (good)

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B. Curricula vitae of candidates recommended for the vacant half-time position in the United Nations Dispute Tribunal

Angela Henke (Germany)

Date of birth	3 February 1978
Present position	Judge, Lower-Saxonian Administrative Court of Appeal
Education (degrees)	
2005	Second State Examination in Law, Germany
2004	Ph.D. in Law, Westfaelische Wilhelms-Universitaet Muenster
2003	New York Bar Examination
2003	Master of Laws, University of Virginia School of Law
2002	First State Examination in Law, Germany
2000	Certificate in European and Public International Law Studies, Radboud Universiteit Nijmegen
1999	Linguistic-judicial examination in Anglo-American Law, Westfaelische Wilhelms-Universitaet Muenster
Professional experience	
2010–present	Judge, Lower-Saxonian Administrative Court of Appeal
2008–2010	Judicial Clerk to Justice, Federal Constitutional Court
2007–2008	Judge, Cloppenburg County
2006–2007	Judge, Oldenburg Administrative Court
2003–2005	Judicial Preparation Service (including a working experience at the European Court of Human Rights in 2005)
2004	Interpreter (English-German), Federal Office for Migration and Refugees
1998–1999	Intern (Ministry of State, Office of European and Public International Law, Paris in 1999; Duncan Grehan & Partners Attorneys at Law, Dublin in 1998; Kassel Circuit Court in 1998)
1998	Assistant to Law Professor, Westfaelische Wilhelms-Universitaet Muenster
1997	Au pair, United Kingdom
Publications	Henke, in: Driehaus, *Kommunalabgabenrecht*, Section 3 (local tax law), 2018 (commentary);
	Henke, *Kommunale Steuern*, 2018 (book on local tax law);
	Henke, in: Burkiczak/Dollinger/Schorkopf, *Bundesverfassungsgerichtsgesetz, Kommentar*, 2015 (commentary on Section 90 § 2 and § 3 of the Federal Constitutional Court Act);

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	Henke, *Verfassungsrechtliche Anforderungen an fachgerichtliche Prozesskostenhilfeentscheidungen*, ZZP 2010, pp. 193 (essay on constitutional standards for legal aid);
	Henke, *Wirtschaftliche Betätigung von Gemeinden. Drittschutz durch die Subsidiaritätsklausel in Niedersachsen*? NordÖR 2010, pp. 335 (essay on specific questions of public business law);
	Henke, *Arbeitsrechtliche Schiedsgerichtsbarkeiten im internationalen Vergleich. U.S.-amerikanische Entertainment Arbitration als Lösungsmodell zur Erweiterung und Entstaatlichung der Schiedsgerichtsbarkeiten im deutschen Unterhaltungssektor?* 2004 (book on U.S. Entertainment Arbitration Approaches for German Live Theatre Arbitration Courts)
Associations	New York State Bar (member since 2006)
Languages	German (native)
	English (fluent)
	French (good)

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Francesco Buffa (Italy)

Date of birth	22 August 1967
Present position	Judge seconded by Italy, European Court of Human Rights
Education (degrees)	1990 Bachelor of Laws (with Honours), Sapienza University of Rome
Professional experience	
2016–present	Judge seconded by Italy, European Court of Human Rights
2013–2016	Justice, Italian Supreme Court of Cassation
2007–2013	Magistrate, Italian Supreme Court of Cassation (Judge seconded by Italy, European Court of Human Rights from 2011–2012)
1993–2007	Labour law Judge, Employment Tribunal of Lecce
2008–2018	(part-time) Teacher, labour Law, Sapienza University of Rome
1991–1993	Legal assistant, Bank of Italy
Publications	Social rights in Europe, Key Publisher, Vicalvi (Fr), 2016;
	Welfare benefits for strangers, Key Publisher, 2016;
	Jobs Act and protection of the dismissed worker in the European Courts, Key Publisher, 2015;
	Current issues in civil proceedings and labor disputes, Aracne, Rome, 2014;
	The labor law reforms made in Italy in the last five years, Aracne, Rome, 2014;
	Issues of labor law in the ECHR's jurisprudence, Aracne, Rome, 2013;
	The work of detainee persons (Le travail des detenus: in French), Aracne, Rome, 2013;
	Social security in the ECHR's caselaw, Aracne Rome, 2013;
	Liberty and trade union rights in the ECHR's caselaw, Aracne, Rome, 2013;
	The fixed term jobs in the jurisprudence of the European and national courts, in Italgiureweb, Rome, and on http://www.cortedicassazione.it (2010);
	Extra UE workers in the EU borders: labor law, non-discrimination law, and social security law (Cedam, Padova, 2009, pages 2632);
	Labor disputes and civil procedure law (Maggioli, Rimini, 2009);
	People with disability and handicaps: access to work, non-discrimination, labor legislation, and social security law (Giuffré, Milan, 2008);

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	Black and undeclared work (Giappichelli, Turin, 2008);
	Precautionary measures in the public sector and the civil servants (Giappichelli, Turin, 2006);
	Discrimination by public administration and protection of workers (Maggioli, Rimini, 2004);
	Disciplinary liability of employees and civil servants (co-author, Halley, Macerata, 2007);
	Non-patrimonial damage to the existence of workers and liability of the employers (co-author, Utet, Turin, 2006);
	The job position at the public administrations (co-author, Halley, Macerata, 2005);
	The work in the public administrations in the judicial decisions (co-author, La Tribuna, Piacenza, 2003)
Associations	Member of the Italian Magistrates Association (*Associazione Nazionale Magistrati*)
Languages	Italian (native)
	French (fluent)
	English (fluent)

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RELEASE IN PART
B6

From: Hyland, Leslie <HylandL@state.gov>
Sent: Monday, November 26, 2018 6:00 PM
To: Sissell, Emily K. EOP/WHO <[redacted]> B6
Cc: Wright, Katherine W <WrightKW2@state.gov>; Moley, Kevin E <MoleyKE@state.gov>; Stull, Mari L <StullML@state.gov>
Subject: FW: CFS Secretary Short-list
Attach: attachment 1.docx

Deliberative and pre-decisional communication

Hi Emily—here is a career foreign service under consideration for a senior position at the Committee on Food Security (CFS).

For your review.

Many thanks!

Leslie

Official - SBU
UNCLASSIFIED

From: Cook, Nerissa J <CookNJ@state.gov>
Sent: Monday, October 15, 2018 11:08 AM
To: Hyland, Leslie <HylandL@state.gov>; Stull, Mari L <StullML@state.gov>
Cc: Moley, Kevin E <MoleyKE@state.gov>
Subject: FW: CFS Secretary Short-list

[redacted] bio. Nerissa B6

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Hyland, Leslie <HylandL@state.gov>
Sent: Tuesday, November 27, 2018 8:30 AM
To: Sissell, Emily K. EOP/WHO <[redacted]> B6
Cc: Moley, Kevin E <MoleyKE@state.gov>; Wright, Katherine W <WrightKW2@state.gov>; Stull, Mari L <StullML@state.gov>
Subject: FW: [redacted].pdf
Attach: [redacted]pdf

Deliberative and pre-decisional communication

Hi Emily—for your review.

Thanks,

Leslie

From: Susan Yoshihara <[redacted]>
Sent: Thursday, November 22, 2018 1:29 PM
To: Stull, Mari L <StullML@state.gov>
Subject: Fwd: [redacted]pdf

Dear Mari,

Please find attached the resume of an outstanding candidate for the UN Women position.

Best,

Susan

Official
UNCLASSIFIED

Official - SBU
UNCLASSIFIED

AMERICAN OVERSIGHT

From: Sissell, Emily K. EOP/WHO <[redacted]>
Sent: Monday, December 3, 2018 3:08 PM
To: Stull, Mari L <StullML@state.gov>
Cc: hylandL@state.gov
Subject:
Attach: [redacted]pdf

B6

RELEASE IN PART B6

Emily Sissell
Deputy Associate Director
Office of Presidential Personnel
Mobile:
Office: [redacted]

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Milius, Amanda E <MiliusAE@state.gov>
Sent: Tuesday, December 18, 2018 2:56 PM
To: Chulick, Nicole A <ChulickNA@state.gov>; Giuda, Michelle <GiudaM@state.gov>; ONeill, Catharine P <ONeillCP@state.gov>; Pryor, Pamela D <PryorPD@state.gov>; Peek, Andrew L <PeekAL@state.gov>; Khodorkovsky, Len <KhodorkovskyL1@state.gov>; Florance, Charlotte M <FloranceCM@state.gov>; Ehfad, Kiarash X <EhfadKX@state.gov>; Friedman, Michael J <FriedmanMJ@state.gov>; Kelleher, Elizabeth B <KelleherEB@state.gov>; Russell, Rachel F <RussellRF@state.gov>; Katz, Jason X <KatzJX@state.gov>; Peterson, Lucas W <PetersonLW@state.gov>; Stull, Mari L <StullML@state.gov>; Moley, Kevin E <MoleyKE@state.gov>; Rinat, Ory S. EOP/WHO < > B6
Subject: Feel free to share - S/P Holiday party Thurs
Attach: Its-a-Wonderful-Holiday-Party_v2.jpg

- Predecisional and deliberative communication -

Amanda Milius
Member, Policy Planning Staff
U.S. Department of State
MiliusAE@State.gov
Desk 202-647-3599
Cell

Official - Transitory
UNCLASSIFIED

AMERICAN OVERSIGHT

C06708127 U.S. Department of State Case No. F-2018-04761 Doc No. C06708127 Date: 05/16/2019

RELEASE IN FULL

Policy Planning's "It's A WONDERFUL Holiday Party"

DEC 20 ⊙ 3-5 PM ⊙ SUITE 7311, HST

AMERICAN OVERSIGHT

UNCLASSIFIED U.S. Department of State Case No. F-2018-04761 Doc No. C06708127 Date: 05/16/2019

United States Department of State

Washington, D.C. 20520

June 17, 2019

Case No.: F-2018-04761
Segment: IO-0001IC3

Daniel A. McGrath
1030 15th Street NW,
B255
Washington, DC 20005

Dear Mr. McGrath:

I refer to our request dated May17, 2019, seeking the release of certain Department of State material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. Following review of over 300 potentially responsive pages, the Department has identified 14 documents responsive to your request and determined that four documents may be released in full, nine documents may be released with excisions and one document must be withheld in full.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released. The document that was withheld in full was withheld pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6).

The processing of your request is ongoing. If you have any questions, you may contact Assistant United States Attorney Scott Sroka at 202-252-7113. Please refer to the case number, F-2018-04761, and the civil action number, 18-cv-2565, in all correspondence about this case.

Sincerely,

Susan Weetman
Chief, Program and Policy Division
Office of Information and Programs Services

Enclosure: As stated

AMERICAN OVERSIGHT

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

AMERICAN OVERSIGHT

From: Sissell, Emily K. EOP/WHO <[redacted]> B6
Sent: Thursday, May 10, 2018 12:10 PM
To: 'Stull, Mari L' <StullML@state.gov>; '[redacted] <[redacted]>
Subject: Email Introduction
Attach: [redacted].doc **RELEASE IN PART B6**

Hello Mari,

I wanted to formally connect you with [redacted]. [redacted] had a great meeting with Margaux this morning. I just saw in your email that [redacted] headed your way this afternoon, but wanted to make sure that you two have the chance to touch base.

Best,

Emily

Emily Sissell
Deputy Associate Director
Office of Presidential Personnel
Mobile: [redacted] B6
Office: [redacted]

AMERICAN OVERSIGHT

RELEASE IN PART
B6

Memo: OAS, General Assembly, and promotion of abortion
Prepared by: Marie Smith (I[redacted]) B6
Parliamentary Network for Critical Issues (PNCI) http://pncius.org/
Date: June 1, 2018

1. US largest contributor to the OAS

The US is the largest contributor to the Organization of American States (OAS). A GAO report found that *"United States' assessed contributions constituted over 57 percent of total assessed contributions by member states to four inter-American organizations from 2014 to 2016"* including the OAS. The OAS had assessed the US $49 million in 2016 or 59.47% of the total OAS budget. GAO reports that State submitted a strategy to Congress to work with OAS member states *"toward ensuring that the OAS would not assess any single member state a contribution amounting to more than 50 percent of all OAS assessed contributions."*

2. Promotion of abortion

Increasingly, OAS entities are moving beyond established mandates and actively promoting access to abortion. The two most notorious are the Inter American Commission for Human Rights and the Follow-up Mechanism on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI) which oversees implementation of the anti-violence against women treaty Belém do Pará Convention

3. General Assembly to begin

Negotiations are currently underway in the Permanent Council on resolutions for the General Assembly's 48th session on June 4-5 in Washington. One of the contentious resolutions is on human rights and includes a section expressing support and increased funding for the work of the MESECVI. This entity not only actively promotes access to abortion but acknowledges that it is assisted by a number of international pro-abortion NGOs including Amnesty International, Human Rights Watch and 'Catholics for Choice'.

The reports issued by MESECVI, and actions by associated individuals, often conflict with the pro-life foreign policy of President Trump. This past week the Technical Secretary of the MESECVI, Luz Patricia Mejía, who is also a past president of the Inter American Commission on Human Rights, was in Argentina telling legislators to legalize abortion as they begin debate on a bill to broaden access to abortion. The resolution in question specifically seeks additional funding for "the Mechanism's Technical Secretariat".

4. Contentious Resolution: "Promotion and Protection of Human Rights"

The GA resolution, "Promotion and Protection of Human Rights" CP/CAJP-3459/18 calls for support and increased funding for MESECVI. The US entered a concern on section XV, *Strengthening the Follow-up Mechanism on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI)* stating that it is "in consultation" on the section. Canada has added "sexual and reproductive health policies" to the call for MESECVI's Committee of Experts (CEVI) to prepare a guide for action that includes "legislation and good practices":

> *4. Further to the Hemispheric Report of the MESECVI Committee of Experts on sexual violence and child pregnancy, and recognizing the efforts made by the States*

AMERICAN OVERSIGHT

Party to address this problem, to request that the MESECVI Committee of Experts prepare a practical guide for action that incorporates the legislation and good practices, in addition to the challenges of sexual and reproductive health policies that are being implemented in the region in connection with the topic. (Agreed 05/24/18) (CA and GUA in consultations)

The Hemispheric Report on Child Pregnancy in the States Party to the Belém do Pará Convention is an extreme pro-abortion document that was written with input from individuals from leading pro-abortion NGOs including the Center for Reproductive Rights, Ipas, Women's Link, and CLADEM.

The public policy recommendations for legislation on page 65 of the report include calls to "*Eliminate unsafe abortion, ensuring normatively that all pregnancies in girls are considered high risk and allowing legal termination of pregnancy".* The pro-abortion extremism is evident in the call to "*Override all criminal laws and protocols that deepen gender stereotypes and in particular stereotypes about the responsible victim or the priority of the life of the product of forced pregnancy against the best interests of girls".*

In this report, MESCEVI references pro-abortion recommendations by UN treaty bodies that are also exceeding their mandates in an attempt to justify its abortion extremism including General Comment 15 by the Committee on the Rights of the Child which calls for access to *"safe abortion and post-abortion care services, regardless of whether or not abortion is legal."*

5. American Convention on Human Rights protects life from conception

One of the guiding treaties for the OAS and the region is the American Convention on Human Rights which states in Chapter II- Civil and Political Rights, Article 4. Right to life: "*Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life."* It also states that a pregnant woman cannot be given the death penalty recognizing the unique right to life of the woman's child. The US is not a signatory.

6. Suggested Action

Continued concern by the US on the resolution is essential to demonstrate the US' consistent pro-life commitment as it has skillfully done at the UN and recently at the World Health Assembly by statements that explain the US position including: *"The term 'sexual and reproductive health' does not include the promotion of abortion, nor do we recognize an international right to abortion."*

During the June 2017 Human Rights Council meeting, a resolution by Canada on the elimination of violence against women, A/HRC/35/L.15, included "safe abortion where such services are permitted by national law". The US statement confirmed support for "the spirit" of the anti-violence resolution but explained that there is no international right to abortion and that the US does not support access to abortion in reproductive health assistance, affirming President Trump's Protecting Life in Global Health Assistance and declared that *"the U.S. 'must dissociate from the consensus' specifically on access to safe abortions."*

A similar statement during the GA that relays US concern and opposition to the work of OAS entities that actively promote abortion will be welcomed by countries whose laws and policies limit the violence of abortion and ought to be seen as a warning that future funding for such activities is at risk.

AMERICAN OVERSIGHT

RELEASE IN PART
B5,B6

The Honorable
Roger F. Wicker
United States Senate
Washington, DC 20510

Dear Senator Wicker:

Thank you for your letter in follow-up to our conversation about the International Commission Against Impunity in Guatemala (CICIG) and the case of the Bitkov family in Guatemala.

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AMERICAN OVERSIGHT

B5

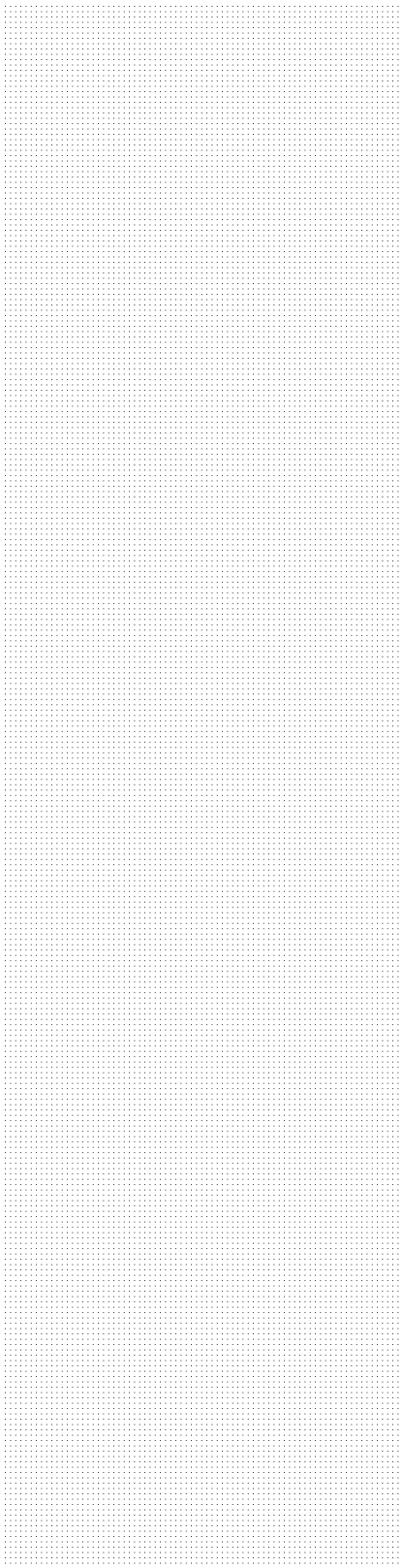
I trust you are now in receipt of the answers to your follow-up questions transmitted by our Bureau of Legislative Affairs to your office on May 29. Please do not hesitate to reach out should you have additional questions.

Sincerely,

Michael R. Pompeo

Enclosures:
As stated.

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Approved:	WHA- Francisco L. Palmieri, Acting	()
Drafted:	WHA/CEN- Stefanie Fabrico, ext 7-3505, 202-647-3505;	[redacted] B6
Cleared:	WHA/FO: KMerten	()
	WHA/FO: JCreamer:	()
	WHA/CEN: DJacobson	()
	WHA/CEN: RPerrin	()
	D: Jennifer Neidhart de Ortiz	()
	S/P: CAllison	()
	P: LSnyder	()
	H: Janelle Guest-Baker	()
	WHA/PPC: TFralish/DWielechowski/ERuppel	()
	DRL/FO: Michael Kozak	()
	INL/WHP: KMerrick	()
	IO: LDunham	()
	USUN/W: CFilipetti	()
	USUN: AVu	()
	CA: EKlimow	()
	J/GCJ: ABassin/DMandel-Anthony	()
	INR: JVaicikonis/JEmery	()
	EUR/RUS: RSteward	()
	L: JKovar	()
	Embassy Guatemala: SFlatt/HGuevara	()
	USAID: BFeinstein	()

AMERICAN OVERSIGHT

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B6

AMERICAN OVERSIGHT

RELEASE IN PART
B5,B6

Questions for the Record Submitted to
Secretary of State Michael Pompeo by
Senator Chris Smith (#5)
Senate Committee on Foreign Relations
June 1, 2018

Question:

There is currently a congressional hold on $6 million of funds which were supposed to have been dispensed from the International Narcotics Control and Law Enforcement account to the International Commission against Impunity in Guatemala (CICIG). I strongly support such a hold, which grew out of a hearing I chaired at the Helsinki Commission last month that uncovered bad acts by CICIG under the extremely questionable leadership of CICIG's Commissioner, Ivan Velazquez. Among other things, Velazquez allowed CICIG to be used as an instrument of Russia's Kremlin-controlled VTB Bank to persecute a Russian family, the Bitkovs. Velazquez is compromised and can no longer serve in his position. USUN as well as I believe the International Organizations Bureau at State also supports this hold, as it provides leverage to help enact meaningful oversight and accountability reforms at CICIG; career bureaucrats, principally at Western Hemisphere Affairs are nonetheless seeking to thwart Congressional oversight. Will you support Congress and the political leadership at State who have been tasked with upholding the Administration's policy objectives – in this case, reform of a wayward UN-created supranational entity – by maintaining the hold in the face of pressure from career bureaucrats at State?

B5

AMERICAN OVERSIGHT

B5

Approved: WHA- Francisco L. Palmieri, Acting ()

Drafted: WHA/CEN- Stefanie Fabrico, ext 7-3505, 202-647-3505;

B6

Cleared:
WHA/FO: KMerten ()
WHA/FO: JCreamer: ()
WHA/CEN: DJacobson ()
WHA/CEN: RPerrin ()
D: Jennifer Neidhart de Ortiz ()
S/P: CAllison ()
P: LSnyder ()
H: Janelle Guest-Baker ()
WHA/PPC: DWielechowski/ERuppel ()
DRL/FO: Michael Kozak ()
INL/WHP: KMerrick ()
IO/UNP: LDunham ()
IO/FO: MStull ()
USUN/W: CFilipetti ()

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J/GCJ: ABassin/DMandel-Anthony	()
EUR/RUS: RSteward	()
Embassy Guatemala: LArreaga	()
USAID: BFeinstein	()
F: JVollersten	()

AMERICAN OVERSIGHT

RELEASE IN PART B5,B6

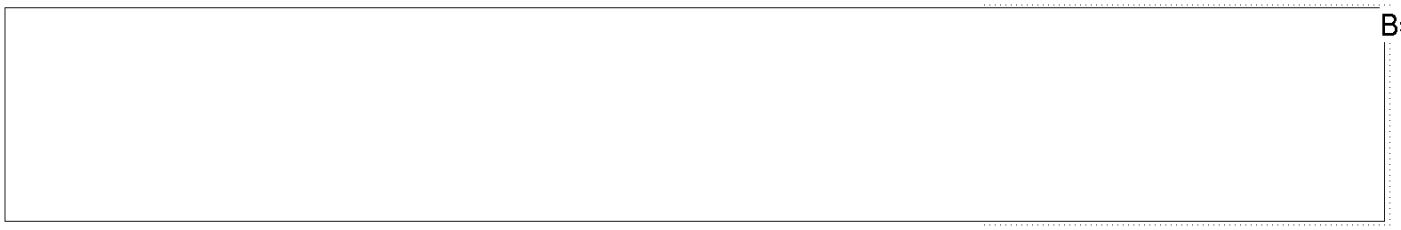
Questions for the Record Submitted to
Secretary of State Michael Pompeo by
Representative Chris Smith (#5)
House Committee on Foreign Affairs
May 23, 2018

Question:

There is currently a congressional hold on $6 million of funds which were supposed to have been dispensed from the International Narcotics Control and Law Enforcement account to the International Commission against Impunity in Guatemala (CICIG). I strongly support such a hold, which grew out of a hearing I chaired at the Helsinki Commission last month that uncovered bad acts by CICIG under the extremely questionable leadership of CICIG's Commissioner, Ivan Velazquez. Among other things, Velazquez allowed CICIG to be used as an instrument of Russia's Kremlin-controlled VTB Bank to persecute a Russian family, the Bitkovs. Velazquez is compromised and can no longer serve in his position. USUN as well as I believe the International Organizations Bureau at State also supports this hold, as it provides leverage to help enact meaningful oversight and accountability reforms at CICIG; career bureaucrats, principally at Western Hemisphere Affairs are nonetheless seeking to thwart Congressional oversight. Will you support Congress and the political leadership at State who have been tasked with upholding the Administration's policy objectives – in this case, reform of a wayward UN-created supranational entity – by maintaining the hold in the face of pressure from career bureaucrats at State?

B5

AMERICAN OVERSIGHT



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AMERICAN OVERSIGHT

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Drafted:	WHA/CEN- Stefanie Fabrico, ext 7-3505, 202-647-3505;	
Cleared:	WHA/FO: KMerten	(ok)
	WHA/FO: CHoey, Acting	(ok)
	WHA/CEN: DJacobson	(ok)
	WHA/CEN: RPerrin	(ok)
	D: Jennifer Neidhart de Ortiz	(ok)
	S/P: CAllison	(no response)
	P: LSnyder	(ok)
	H: Janelle Guest-Baker	(ok)
	WHA/PPC: JCeriale	(ok)
	DRL/FO: TOpstal	(ok)
	INL/WHP: KMerrick/CKennel	(ok)
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	IO/FO: MStull	(ok)
	USUN/W: CFilipetti	(ok)
	USUN: AVu	(info)
	J/GCJ: ABassin/DMandel-Anthony	(ok)
	EUR/RUS: MPilzHarbin	(ok)
	Embassy Guatemala: HGuevara/DHodge	(info)
	USAID: BFeinstein	(ok)
	F: JVollersten	(ok)

B6

AMERICAN OVERSIGHT

RELEASE IN PART B6

From: Stull, Mari L <StullML@state.gov>
Sent: Wednesday, June 13, 2018 10:43 AM
To: Sissell, Emily K. EOP/WHO <[redacted]> B6
Cc: Dougherty, Margaret R <DoughertyMR@state.gov>
Subject: FW: AmCit Candidates for review
Attach: [redacted]docx; [redacted] Resume.pdf; [redacted] Resume.pdf; [redacted] Resume.docx; [redacted]cv.docx

---

Hi Emily –

For vet!

M

Official
UNCLASSIFIED

From: Dougherty, Margaret R
Sent: Tuesday, June 12, 2018 5:45 PM
To: Moley, Kevin E <MoleyKE@state.gov>; Stull, Mari L <StullML@state.gov>
Subject: RE: AmCit Candidates for review

Amb. Moley and Mari-

Apologies- I have 5 more Resumes for your review before I pass over to PPO.

All of these people have previously been supported by the USG for positions.

Thanks!
Maggie

Official
UNCLASSIFIED

From: Dougherty, Margaret R
Sent: Tuesday, June 12, 2018 3:32 PM
To: Moley, Kevin E <MoleyKE@state.gov>; Stull, Mari L <StullML@state.gov>
Subject: AmCit Candidates for review

Amb. Moley and Mari-

Please see attached resumes of two individuals who would like to be considered for UN positions. Please let me know if they are okay to send to PPO.

Best,
Maggie

AMERICAN OVERSIGHT

Maggie Dougherty
Senior Policy Advisor
U.S. Mission to the United Nations (Washington)
Office: 202-736-7655
Cell: [redacted]

B6

Official
UNCLASSIFIED

AMERICAN OVERSIGHT

RELEASE IN PART
B5,B6

From: Stull, Mari L <StullML@state.gov>
Sent: Friday, July 13, 2018 9:47 AM
To: Zadrozny, John A. EOP/WHO <[redacted]>; Khodorkovsky, Len <KhodorkovskyL1@state.gov> B6
Cc: Filipetti, Carrie L <FilipettiCL@state.gov>
Subject: Circling back on the WH statement on CICIG
Attach: 2018-06-29.IM to S.CICIG Reforms.docx; CICIG INCLE hold_Corker Royce.pdf

Morning John and Len,

The talking points that State WHA provided WH on CICIG were:

[redacted]

The critical issues we have with this statements are as follows:

- [redacted] B5
-
-

[redacted]

Please see background on Obama Administration role in CICIG:
http://dailycaller.com/2017/03/24/obamas-ambassador-sabotaging-trump-in-guatemala/

See WSJ CICIG article:
https://www.wsj.com/articles/a-crisis-in-guatemala-abetted-by-the-u-n-1524420935

TODAY –please see Congressman Smith calling for an investigation on CICIG
http://freebeacon.com/issues/rep-smith-calls-state-department-investigation-bitcovs-case/

Best,

M

Official
UNCLASSIFIED

AMERICAN OVERSIGHT

RELEASE IN PART
B5,B7(E),B2,B6

From: Stull, Mari L <StullML@state.gov>
Sent: Friday, July 20, 2018 6:36 PM
To: Rothenberg, Laurence E (OLP) <[redacted]>; Wold, Theo J. EOP/WHO <[redacted]> B6
Cc: Talento, Kathryn F. EOP/WHO <[redacted]>; Moley, Kevin E <MoleyKE@state.gov>
Subject:
Attach: Country statements.pdf; Potomac Declaration and Plan of Action.pdf; Thematic statements.pdf

---

Hi Laurence,

Looking forward to getting together w you.

In the meantime, would you mind reviewing the attached Potomac Declaration, which is will be delivered by Secretary Pompeo at the Ministerial of Religious Freedom:
https://www.state.gov/j/drl/irf/religiousfreedom/index.htm

[redacted] B5

My very best,

Mari

Mari Stull
Senior Advisor
Bureau of International Organization Affairs
US Department of State
O: 202.647.9600
M:[redacted] B6

Deliberative and pre-decisional communication

Colleagues,
Please recall any messages you've sent regarding the Potomac Declaration and Plan of Action and replace with the attached files.

Colleagues,

[redacted] B5

AMERICAN OVERSIGHT

[redacted] B5

If you can't attend today, please call in:
Dial-in Number: 888-684-8852
Access Code: [redacted] B7(E)
Let us know if you have any questions.

Thanks!
Kash
Khashayar Ghashghai
Coordinator - Ministerial to Advance Religious Freedom
Office +1.202.647.8703/+1.202.647.0463| Mobile [redacted]| Fax +1.202.647.0753 B6
GhashghaiKM@state.gov | GhashghaiKM@state.sgov.gov
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AMERICAN OVERSIGHT

RELEASE IN FULL

Ministerial to Advance Religious Freedom

Statement on Burma

As representatives of the international community, we stand together in expressing deep concern about ongoing restrictions on religious freedom, including those on members of minority ethnic and religious groups in Burma. We call on authorities to pursue accountability and uphold equal rights for all. Many Burmese religious minorities – including Muslims, Christians, and Hindus – face discrimination because of their beliefs.

We are appalled by the ethnic cleansing of Rohingya in northern Rakhine State, where Burmese security forces and others have engaged in shocking and brutal violence that caused more than 700,000 Rohingya to flee to Bangladesh and many others to be displaced within Burma. The government continues to restrict access to citizenship and freedom of movement for Rohingya who remain in Rakhine State. We are also deeply concerned by the widespread reports of human right violations committed by the military in Kachin and Shan States, which have contributed to the displacement of more than 100,000 members of ethnic minorities. In other regions, religious minority communities have reported that authorities have unduly restricted religious practice and travel, destroyed religious property and texts, denied or failed to approve permits for religious buildings and renovations, and discriminated in public employment.

We urge Burmese authorities to protect the religious freedom of all in Burma, hold accountable those responsible for abuses, provide unhindered humanitarian access to all in need, and ensure equal protection under the law for all. In Rakhine State, we call upon Burmese authorities to create conditions so that those displaced are able to return to their places of origin voluntarily, and with safety, security, and dignity.

AMERICAN OVERSIGHT

Ministerial to Advance Religious Freedom

Statement on China

As representatives of the international community, we are deeply concerned about the significant restrictions on religious freedom in China and call on the Chinese government to respect the human rights of all individuals. Many members of religious minority groups in China – including Uighurs, Hui, and Kazakh Muslims; Tibetan Buddhists; Catholics; Protestants; and Falun Gong – face severe repression and discrimination because of their beliefs. These communities consistently report incidents in which the authorities allegedly torture, physically abuse, arbitrarily arrest, detain, sentence to prison, or harass adherents of both registered and unregistered religious groups for activities related to their religious beliefs and peaceful practices. Authorities also restrict travel and interfere with the selection, education, and veneration of religious leaders for many religious groups. We are concerned by the government's longstanding efforts to suppress Uighur Muslim and Tibetan Buddhists' religious, linguistic, and cultural identities.

We are particularly troubled by reports of the Chinese government's deepening crackdown on Uighurs and members of other Muslim minority groups in China, including: undue restrictions on freedom of religion; destruction of mosques; unprecedented levels of surveillance; efforts to pressure other governments into forcibly returning Uighurs to China or to coerce family members of Uighurs still in Xinjiang to encourage Uighurs living aboard to return; and the detention of hundreds of thousands, and possibly millions, of Uighurs and members of other Muslim minority groups in facilities ranging from makeshift holding centers to prisons, ostensibly for "political re-education," in the Xinjiang Uighur Autonomous Region. There are reports of deaths in these facilities. We call on the Chinese government to release immediately all those arbitrarily detained.

We are also concerned that the government is destroying or limiting access to houses of worship, including Protestant and Catholic churches and community buildings. Authorities evicted at least 11,500 monks and nuns from Tibetan Buddhist institutes at Larung Gar and Yachen Gar since 2016. Officials also restrict access to, confiscate, and destroy Bibles, Qurans, and other religious materials. We remain concerned about the impact of amended regulations to govern the activities of all religious groups and the draft regulations on foreigners' religious activities in China.

We strongly urge the Chinese government to protect the religious freedom of all individuals and to respect the human rights of all members of religious groups in accordance to China's international commitments to respect freedom of religion. Such developments will only further peace, security, and stability in China and among its neighbors.

AMERICAN OVERSIGHT

Ministerial to Advance Religious Freedom

Statement on Iran

As representatives of the international community, we stand together in condemning the systematic, ongoing, and egregious violations of religious freedom taking place in Iran and call on authorities to ensure religious freedom for all. Many members of Iranian religious minorities – including Baha'is, Christians, Jews, Zoroastrians, and Sunni and Sufi Muslims – face discrimination, harassment, and unjust imprisonment because of their beliefs.

The Iranian regime continues its crackdown on Gonabadi Sufis. Hundreds remain unjustly detained, with several deaths reported at the hands of Iran's brutal security forces. In June, Iran executed by hanging a Sufi bus driver following a trial described by international monitors as "grossly unfair", while it continues to hold the group's religious leader, Dr. Noorali Tabandeh, under house arrest, denying the 91-year old man much needed medical care. Baha'is also face particularly severe ill-treatment. As with many other minority communities, Iranian authorities reportedly harass, arrest, and mistreat Baha'is on account of their faith, and in May the Baha'i International Community reported an uptick in arbitrary arrests and raids across the country. One Baha'i leader, Afif Naeimi, jailed because of his religious affiliation, continues to serve a 10-year prison sentence handed down in 2008 despite his declining health. Iranian authorities also routinely employ anti-Baha'i rhetoric, close Baha'i businesses, and deny Baha'is access to education.

The Government of Iran continues to execute dissidents, political reformers, and peaceful protesters on charges brought because of their peaceful religious beliefs or activities. Blasphemy, apostasy from Islam, and efforts to proselytize Muslims are punishable by death, contrary to Iran's international human rights obligations. Authorities monitor Christian religious practices closely to enforce a prohibition on proselytizing, which continued to result in the jailing of pastors and members of house churches. Shia Muslim religious leaders who do not support government policies also face intimidation and arrest. There are reports that Sunni Arabs are routinely harassed and tortured because of their religious beliefs, and even executed for crimes such as blasphemy that could not be justified as "most serious crimes" under Iran's international human rights obligations. The religious books and teachings of these communities are largely banned throughout the country.

Countries that respect and ensure religious freedom and other human rights are more secure, stable, and peaceful than those that do not. We strongly urge the Government of Iran to cease its violations of religious freedom and ensure that all individuals – regardless of their beliefs – are treated equally and can live out their lives and exercise their faith in peace and security.

AMERICAN OVERSIGHT

RELEASE IN FULL

Ministerial to Advance Religious Freedom

July 24-26, 2018

Potomac Declaration

Preamble:

The Universal Declaration of Human Rights proclaims in Article 18 that, "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Most individuals believe the freedom to live out one's faith is a God-given right that belongs to every individual on this globe. Religious freedom, the freedom of an individual to enjoy liberty of conscience, is intrinsic to the human experience. Governments cannot justly take it away. Rather, it is their solemn responsibility to defend and protect religious freedom.

Today, we are far from the ideal declared in the Universal Declaration of Human Rights 70 years ago – that "everyone has the right to freedom of thought, conscience, and religion." This ideal is under attack all around the world. Almost 80 percent of the global population reportedly experience severe limitations on this right. Persecution, repression, and discrimination on the basis of religion, belief, or non-belief are a daily reality for many. It is time to address these challenges directly.

Defending the freedom of religion or belief is our collective responsibility. It is essential to greater peace and stability within nations and among nations. Where protection for it exists, the enjoyment of other freedoms – like freedom of expression, association, and peaceful assembly – also flourishes. Protecting the free exercise of religion directly contributes to democracy, economic development, and the rule of law. Where it is absent, we find conflict, instability, and terrorism.

Faith plays an essential role in every society. We have seen how the best of faith can defeat the worst of violent extremism. People of conscience and faith play an invaluable role in our communities. Faith and conscience motivates people to engage in public debates, promote peace, tolerance and justice, to help the poor, and to devote their lives to a higher calling.

Religious freedom is a far-reaching, universal, and profound human right that we must defend globally.

With this in mind, the Chairman of the Ministerial to Advance Religious Freedom declares:

> Every person everywhere has the right to freedom of thought, conscience, and religion. All persons have the right to hold any faith or belief, or none at all, and enjoy the freedom to change faith.

AMERICAN OVERSIGHT

Religious freedom is universal and inalienable, and states must respect and protect this human right.

A person's conscience is inviolable. The right to freedom of conscience, as set out in international human rights instruments, lies at the heart of religious freedom.

Persons are equal based on their shared humanity. There should be no discrimination on account of a person's chosen religion or belief. Everyone is entitled to equal protection under the law regardless of religious affiliation or lack thereof. Citizenship or the exercise of human rights and fundamental freedoms should not depend on religious identification or heritage.

Coercion to adopt a certain religion and enjoyment of religious freedom cannot coexist. The threat of physical force or penal sanctions to compel believers or non-believers to adopt different beliefs, to recant their faith, or to reveal their faith is entirely at odds with freedom of religion.

Religious freedom applies to all individuals as right-holders. Believers can exercise this right alone or in community with others, and in public or private. While religions do not have human rights themselves, religious communities and their institutions benefit through the human rights enjoyed by their individual members.

The active enjoyment of freedom of religion or belief encompasses many manifestations and a broad range of practices. These can include worship, observance, prayer, practice, teaching, and other activities. Parents and legal guardians have the liberty to ensure the religious and moral education of their children in conformity with their own convictions.

Persons who belong to faith communities and non-believers alike should be able to freely participate in the public discourse of their respective societies. A state's establishment of an official religion or traditional faith should not impair religious freedom or foster discrimination towards adherents of other religions or non-believers.

Religion plays an important role in humanity's common history and in societies today. The cultural heritage sites and objects important for past, present, and future religious practices should be preserved and treated with respect.

AMERICAN OVERSIGHT

RELEASE IN FULL

Ministerial to Advance Religious Freedom

July 24-26, 2018

Potomac Plan of Action

> *Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*
>
> Universal Declaration of Human Rights

Faced with challenges to religious freedom worldwide, the Chairman of the Ministerial to Advance Religious Freedom presents this Potomac Plan of Action as a framework for national and multinational activity. The international community is encouraged to draw on the Plan of Action's provisions when responding to violations and abuses of religious freedom or instances of persecution on account of religion, belief, on non-belief:

Defending the Human Right of Freedom of Religion or Belief

States should increase collective advocacy and coordination to promote and protect religious freedom and to counter the persecution of individuals because of religion or belief. In that spirit, states should work to:

- Strongly condemn acts of discrimination and violence in the name of or against a particular religion or lack thereof and press for immediate accountability for those responsible for such violence, including state and non-state actors.
- Protect members of religious communities, dissenting members, and non-believers from threats to their freedom, safety, livelihood, and security on account of their beliefs.
- Respect the liberty of parents to provide their children religious and moral education in conformity with their own convictions and to ensure members of religious minority communities and non-believers are not forcibly indoctrinated into other faiths.
- Protect the ability of religious adherents, institutions, and organizations to freely produce in quantities they desire religious publications and materials, as well as to import and disseminate such materials.
- Increase international understanding of how suppression of religious freedom can contribute to violent extremism, sectarianism, conflict, insecurity, and instability.
- Ensure false accusations of "extremism" are not used as a pretext to suppress the freedom of individuals to express their religious beliefs and to practice their faith, or otherwise limit freedoms of peaceful assembly and association.
- Eliminate restrictions unduly limiting the ability of believers and non-believers to manifest their faith or beliefs in observance and practice, either alone or in community

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with others, through peaceful assembly, worship, observance, prayer, practice, teaching, and other activities.
- Speak out bilaterally, as well as through multilateral fora, against violations or abuses of the right to freedom of religion or belief.

Confronting Legal Limitations

States should promote religious freedom and bring their laws and policies into line with international human rights norms regarding freedom of religion or belief. In that spirit, states should work to:

- Protect freedom of thought, conscience, religion, or belief and ensure individuals can freely change beliefs, or not believe, without penalty or fear of violence, and encourage the repeal of provisions penalizing or discriminating against individuals for leaving or changing their religion or belief.
- Encourage any state-managed registration systems for official recognition of religious communities be optional (rather than mandatory) and not unduly burdensome, so as to help facilitate the free and legal practice of religion for communities of believers.
- Allow religious communities to establish freely accessible places of worship or assembly in public or private, to organize themselves according to their own hierarchical and institutional structures, to train their religious personnel and community members, and to select, appoint, and replace their personnel in accordance with their beliefs without government interference.
- Repeal anti-blasphemy laws, as enforcement of such laws unduly inhibit the exercise of the rights to freedoms of religion or belief and expression, leads to other human rights violations or abuses, and often contribute to sectarianism and violent extremism.
- Recognize that respect for religious freedom can afford space to religious actors to engage in constructive efforts to prevent and counter violent extremism, terrorism and conflict, and to collaborate with non-religious actors on the same.
- Encourage the development of conscientious objection laws and policies to accommodate the religious beliefs of military age persons and provide alternatives to military service.

Advocating for Equal Rights and Protections for All, Including Members of Religious Minorities

States should promote the human rights of members of religious minorities, dissenting members from the majority faith, and non-believers, including freedom of religion or belief. In that spirit, states should work to:

- Treat all persons equally under the law – regardless of an individual's religion, beliefs or religious affiliation, or lack thereof – and ensure law enforcement officials take measures to protect all persons, including members of religious minorities, from harm or discriminatory acts on account of their faith or beliefs.
- Prevent discrimination on the grounds of religion or belief in access to justice, employment, education and housing, and in personal status and family laws, and in access to opportunities for expression in public forums.

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- Ensure that all people, including minority community members, are free from forced conversions, and are entitled to and receive equal protection under the law without discrimination.
- Respond quickly to physical assaults on persons and the destruction or vandalizing of holy sites or property based on religion or belief, and hold those responsible accountable.
- Encourage teaching about the importance of diversity, tolerance, pluralism, reconciliation, intra- and inter-faith understanding and collaboration, and the positive value to society of respect for everyone's right to freedom of religion and belief, and promote a general understanding of world religions to reduce harmful misunderstandings and stereotypes.
- Foster religious freedom and pluralism by promoting the ability of members of all religious communities, including migrant workers, to practice their religion, and to contribute openly and on an equal footing to society.
- Encourage authorities to publicly denounce and condemn discrimination and hate crimes targeting individuals on account of their religion or belief or lack thereof.

Responding to Genocide and other Mass Atrocities

States should use appropriate diplomatic, humanitarian and other necessary means to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, including when based on religious convictions. In that spirit, states should work to:

- Take immediate actions to protect their populations from genocide, crimes against humanity, war crimes, and ethnic cleansing.
- Condemn messages or narratives that promote violence against the holders of certain religious or other beliefs or that foster intra- and inter-religious tensions, whether by government officials or non-state actors.
- Take steps to support investigative efforts and work to preserve evidence and document suspected crimes when reports of atrocities arise, including genocide, war crimes, crimes against humanity, or ethnic cleansing.
- Hold accountable those responsible for genocide, crimes against humanity, war crimes, mass atrocities, and ethnic cleansing and related crimes, and employ mechanisms to promote accountability, justice, and reconciliation.
- Consider the needs of survivors and families of survivors of atrocities and provide them assistance and resources to help rebuild and heal traumatized communities and individuals in post-conflict areas.
- Proactively create mechanisms to identify and address potential areas of tension between members of different religious communities, and assist with conflict prevention and mediation, including through training government officials in effective outreach strategies.
- Work with willing victims and survivors of mass atrocities to develop and disseminate communications and educational efforts about their experiences, recovery and resilience.

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Preserving Cultural Heritage

States should increase efforts to protect and preserve cultural heritage, including that of threatened minority religious communities, particularly in conflict zones, and to preserve cultural heritage sites, even those of communities whose members have dwindled or members have emigrated to other countries. In that spirit, states should work to:

- Adopt and implement policies that introduce or improve inventory lists of cultural sites and objects that promote respect for and protect heritage, including places of worship and religious sites, shrines, and cemeteries, and that take appropriate protective measures where such sites are vulnerable to vandalism or destruction by state or non-state actors.
- Safeguard heritage sites, and help other governments do so, by offering technical assistance and professional training to relevant officials, as well as provide emergency assistance for sites in immediate danger.
- Assist impacted communities to secure, protect, repair and/or stabilize their cultural heritage sites.
- Encourage participation by the local population in the preservation of their cultural heritage, and engage members of religious communities and others, including their leadership, with training on ways to protect their cultural heritage from damage and/or looting.
- Assist with efforts to restore cultural heritage sites of significance to multiple communities in a conflict zone so as to foster intra- and inter-faith relations and rebuild trust.
- Raise public awareness, particularly among youth, of the significance and history of cultural heritage, by working with and through religious actors and other community leaders.

Strengthening the Response

States should take actions to respond to threats to religious freedom that continue to proliferate around the world. In that spirit, states should consider endorsing the Potomac Declaration and work to:

- Extend financial support to assist persons persecuted for their religious freedom advocacy, religious affiliation or practice, or for being a non-believer and support the capacity-building work of religious freedom advocacy organizations, and encourage private foundations to increase funding to such causes.
- Strengthen rule-of-law, fair trial guarantees, and the institutional capacity to protect religious freedom and other human rights.
- Provide additional diplomatic resources through the creation of special ambassadorial positions or focal points in foreign ministries, and support collective action through such groupings as the International Contact Group for Freedom of Religion or Belief and the International Panel of Parliamentarians for Freedom of Religion or Belief.
- Train and equip diplomats in the meaning and value of religious freedom and how to advance it.

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- Annually recommit to promoting religious freedom for all, through establishing August 3, the first day of ISIS's Sinjar massacre targeting Yezidis, as a nationally or internationally recognized day of remembrance of survivors of religious persecution.
- Allow and support civil society organizations and religious actors in their efforts to advocate for, and organize on behalf of, religious freedom, pluralism, peace and tolerance and related values.
- Facilitate the creation of domestic forums, or utilize existing groups, where religious groups, faith-based organizations and civil society can meet to discuss concerns about religious freedom at home and abroad, as well as through bodies at the regional level.
- Encourage government ministries and officials to engage with and listen to the domestic forums regularly, and implement relevant suggestions when possible.
- Encourage national economic investment projects that foster collaboration and trust building across different communities and demonstrate the economic, societal and individual benefits of respect for religious freedom and pluralism.
- Train and support religious community actors, including religious actors, to build resilience to and prevent violent extremism and terrorism, which negatively affect religious freedom, by disseminating alternative messages, engaging at-risk community members, and implementing intra- and inter-faith partnerships.

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RELEASE IN FULL

Ministerial to Advance Religious Freedom

Statement on Blasphemy/Apostasy Laws

As representatives of the international community, we stand together in support of the interconnected freedoms of religion and expression. We stand in firm opposition to laws that impede the freedom of individuals to choose a faith, practice a faith, change their religion, not have a religion, tell others about their beliefs and practices, and openly debate and discuss aspects of faith or belief. Such laws are inconsistent with the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.

Numerous countries maintain laws criminalizing blasphemy, apostasy, or speech that might "defame" or "insult" religious sentiments. Such laws are often used as a pretext to justify vigilantism or mob violence in the name of religion, or as a false pretense to settle personal grievances. We see governments using such laws to punish individuals whose views on matters of religion or belief may differ from official narratives or the views of majority populations.

We will work collectively to encourage governments that maintain these laws to free any individuals imprisoned on such grounds, and to work toward the universal repeal of blasphemy, apostasy, and other laws that similarly impede freedoms of expression and religion or belief. We remain committed to working with partners to help tackle problems like hate crimes, discrimination, and violence based on religious intolerance in ways that do not interfere with fundamental freedoms, including freedom of religion and freedom of expression.

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Ministerial to Advance Religious Freedom

Statement on Religious Freedom Repression by Non-State Actors, including Terrorist Groups

As representatives of the international community, we stand together in condemning the systematic, ongoing, and egregious abuses of religious freedom perpetrated by terrorist and violent extremist groups, and we support international efforts to prevent and counter violent extremism. We stand in solidarity with the victims of terrorism and call on authorities to pursue justice and accountability consistent with relevant international law. We commit ourselves to continuing to support religious groups and other communities that have been subject to terrorist violence and to moving swiftly to hold terrorists accountable for their crimes.

Underscoring that violent extremism that leads to terrorism is not limited to any one nationality, culture, region, level of economic development, or civilization, we urge all governing authorities to govern inclusively and with respect for equality under the law, without regard to religious identity and without misusing the authorities of the state – including counterterrorism laws and the state security apparatus – to perpetrate repression of religious or other groups. We urge civil society and faith leaders to come together and advocate for mutual understanding, respect for pluralism and tolerance, and recognition of universal human rights and human dignity, and we urge all governing authorities to permit and support such independent efforts.

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Statement on Counterterrorism as a False Pretext for Religious Freedom Repression

As representatives of the international community, we condemn the justification of violations of religious freedom, targeting of religious groups, and repression of peaceful political dissent by civil society actors, including members of religious communities, under the guise of counterterrorism or other security imperatives. While underscoring the necessity of effective, rights-respecting counterterrorism policies, we deplore the misuse and abuse of any laws and practices to impose state power at the expense of respect for religious freedom and other civil and political rights. Security tactics that violate human rights have been demonstrated to strengthen and validate terrorist recruitment and radicalization to violence.

We therefore commit ourselves to continuing to support persons and communities that have been subject to terrorist violence and to holding the perpetrators of terrorism accountable using policies, practices, and laws that comply with international human rights and humanitarian laws. When working to prevent or mitigate the drivers of violent extremism and terrorism, we emphasize that our own actions and behaviors are critical to success and urge our partners to do the same. We will promote accountability for government officials responsible for violations of religious freedom and other human rights and encourage reports of such violations to be investigated through relevant mechanisms, because failure to implement accountability measures exacerbates the drivers of the problem, further undermining our security worldwide.

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